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2. We shall print our annual selection and abstracts of statutes promptly upon their passing, and with a separate paging, so that at the close of the session they may be separated from the other matter.

3. Greater facilities of reference to our pages (in which we are conscious much valuable matter has been hitherto locked up for want of proper indexes) will be afforded, by presenting, in addition to the weekly table of contents, a quarterly index nominum et rerum; and also, in addition to the full annual Digest, a concise annual index to the reported points, which will appear in time to be bound up with the volume to which it belongs.

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LONDON, JANUARY 13, 1855.

IN a recent case in the Court of Bankruptcy\* it appeared that the bankrupts, who were auctioneers, had speculated with deposits received by them in the way of their business, and the presiding commissioner is reported to have said, that, in strictness, auctioneers had no right to speculate with deposits intrusted to their care, but that a contrary opinion prevailed throughout the mercantile community. We believe that the learned commissioner was in error as to the prevalence of any such opinion, and that the community to whom it was attributed were as much surprised as any one else to hear that deposits had thus been dealt with.

We are confirmed in this view by a letter recently published in "The Times," bearing the signature of a respectable firm of auctioneers, stating that "it is not customary for auctioneers to speculate with deposits. . . . The only advantage derived by an auctioneer from a deposit is such interest as a banker will allow upon a deposit account; and as the money is held for a short and uncertain time only, such interest is never more than commensurate with the trouble and risk attending the deposit."

This is the proper and only use to which deposits

\* *Re Messrs. Shuttleworth*, Dec. 18, 1854, before Mr. Commissioner Fonblanque.

should be applied while they remain in the hands of auctioneers, who are in the position of stakeholders or depositaries in respect of such funds. The deposit paid by the purchaser on a sale by auction is held by the auctioneer for both vendor and purchaser, and he ought not to part with it (except by the consent of both parties) until default has been made by one or the other, which may authorise the return or payment over of the money, or until the purchase has been completed, in which case it is handed over to the vendor as part of the purchase money.

The following observations and decisions relating to the law of deposits paid on sales by auction are taken from Sugden's Concise View of Vendors and Purchasers, (c. 1, s. 3), and are well worthy of perusal both by auctioneers and that large class of the public who frequent the auction mart:—

"Where the auctioneer was also the attorney of the seller, and paid over the money to the seller after he knew that objections to the title had been raised, an action against him for the deposit was sustained. In a later case, where the auctioneer had paid over the deposit to the vendor, without any notice from the purchaser not to do so, and before any defect of title was discovered, it was held that the purchaser (the title being defective) might recover the deposit from the auctioneer. If a good title is not made out, the purchaser becomes entitled to his deposit; and, in strictness, an action may be maintained for it without giving notice of the default to the auctioneer. But if a purchaser has agreed that the payment to an agent shall be considered as a payment personally to the vendor, his remedy for his deposit will be against the latter. If both the parties claim the deposit, the auctioneer may file a bill of interpleader, and pray for an injunction, which will be granted upon payment into court of the deposit. . . . An auctioneer cannot maintain a bill of interpleader if he insist upon retaining his commission out of the deposit; formerly the same rule applied to the auction duty. If, upon a bill filed for an injunction, the Court order the deposit to be paid into court, it will, it seems, be after deducting the auctioneer's charges and expenses; although, perhaps, this deserves re-consideration, for the purchaser's deposit may not ultimately be the fund out of which those charges are to be paid: but this is done without prejudice to any question as to so much of the deposit as is retained. Under the Interpleader Act, by which authority is given to a Court of law to make such order between the defendant and the plaintiff, as to costs and other matters, as may appear just, the Court has said, that in the first instance, upon application for a rule to interplead, the fund shall bear the costs, and the party in the wrong shall afterwards make up the fund. This operates severely against the right of a purchaser entitled to a return of his deposit. Where 1000*l.* was paid as a deposit to an auctioneer, according to the conditions of sale, and the vendor opposed two motions by the purchaser for the payment of the deposit into court, and the auctioneer became bankrupt, the loss was holden to fall on the vendor, although the second motion had succeeded, and the day named for payment of the money into court was subsequent to the bankruptcy; and perhaps a loss by the insolvency of the auctioneer will in every case fall on the vendor, who nominates him, and whose agent he properly is\*. Executors or trustees selling an estate are not answerable for the loss of the deposit by the insolvency of the auctioneer, if they take proper steps in due time to recover it. Unless an auctioneer disclose the name of his principal at the time of the sale, an action will lie against him for damages on breach of contract. Generally speaking, an auctioneer is not liable for

\* That is, unless there is a stipulation to the contrary in the conditions of sale, or other contract between the parties.—*En.*

interest. An auctioneer, being only an agent, may safely pay over the proceeds of the sale to the seller, his principal, although the latter is, to his knowledge, in embarrassed circumstances. It must be a very special case in which he can set up the *jus tertii*. Where a man is completely the agent of the vendor, a payment to him is, in law, a payment to the principal; and in an action against the latter for the recovery of the deposit, it is immaterial whether it has actually been paid over to him or not. If, pending a suit for specific performance, a deposit be laid out in the public funds, under the authority of the Court, it will be binding on both vendor and vendee; and if laid out without opposition by the seller, it must be presumed to be with his assent; and in either case he must take the stock as he finds it. If a purchaser is entitled to a return of his deposit, he is not compellable to take the stock in which it may have been invested, unless such investment were under the authority of the Court, or with his assent; and an assent will not be implied against a party because notice was given to him of the investment, to which he made no reply. Therefore, where the deposit is considerable, and it is probable that the purchase may not be completed for a long time, it seems advisable for the parties to enter into an arrangement for the investment of it. As a vendor will not be subject to any loss by the investment of the purchase money in the funds without his assent, so he will not be entitled to any benefit by a rise in the funds, although the purchaser gave him notice of the investment, unless he (the vendor) agreed to be bound by the appropriation. No objection can be made to the whole of the deposit required by the conditions not being paid by the purchaser, if the vendor after the sale agree to accept a less sum. A purchaser has no right to elect to put an end to the agreement by forfeiting the deposit. Although the deposit be forfeited at law, yet equity will in general relieve the purchaser upon his putting the vendor in the same situation as he would have been in had the contract been performed at the time agreed upon. But if a bill by a purchaser for a specific performance is dismissed, the Court cannot order the deposit to be returned, as that would be decreeing relief; although a refusal of the seller may influence the costs. Where the seller files the bill, he submits to the jurisdiction; and although his bill is dismissed, the Court will compel him to repay the deposit, and with interest, where that ought to be paid; but of course not if he be still at liberty to bring an action for breach of contract."

We ought not to take leave of this subject without observing that the trust reposed in auctioneers by paying deposits to them has been but rarely abused; and we can by no means agree with the opinion of those universal "fusionists" who think that attornies ought to be converted into auctioneers. We do not see any necessity for such a change, and, for the sake of attornies as well as for that of auctioneers, we think it ought to be opposed.

#### PROSPECTUS OF THE LECTURES

*To be delivered during the ensuing Educational Term by the several Readers appointed by the Inns of Court.*

#### CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Public Lectures to be delivered by the Reader on Constitutional Law and Legal History will comprise the following subjects:—

Causes of the Revolution of 1688—State of Parties at that Period—Review of the Constitutional Law—Declaration of Rights—Bill of Rights—State of the English Church—Jacobite Intrigues—Proceedings against Sir John Fenwick—Law of Treason—Triennial Act—Peace of Ryswick—Conduct of Parliament—Dismissal of Foreign Troops—Impeachment of Lord Somers—

Corruption of Public Men—Veto of the Crown—Toleration Act—Liberty of the Press—Improvements in the Constitution. If these subjects do not fill up the Term, the Reader will proceed to the Reign of Queen Elizabeth.

The works to which the Reader refers will be:—

Rapin (continued)—Millar's Constitutional History—Somerville's History—Somers' Tracts—Dalrymple's Memoirs—Hardwicke Papers—Statute Book—State Trials—Parliamentary History—Foster's Crown Law.

The Reader on Constitutional Law and Legal History will deliver his Public Lectures at Lincoln's Inn Hall on Wednesday in each week, (the first Lecture to be delivered on the 17th January, 1855), commencing at two P.M. The Reader will receive his Private Classes on Tuesday, Thursday, and Saturday mornings, at half-past nine, in the Benchers' Reading Room at Lincoln's Inn Hall.

#### EQUITY.

The Reader on Equity proposes to deliver, during the ensuing Educational Term, a course of Nine Lectures on the Doctrine of the Court of Chancery respecting Trusts in Real and Personal Property, including the subject of Voluntary Conveyances and Assignments; on the Rights of Married Women exclusively recognised by the Court; and on the Jurisdiction under the Sign-manual in Lunacy.

The Reader on Equity will deliver his Public Lectures at Lincoln's Inn Hall on Thursday in each week during the Educational Term, commencing at two o'clock P.M., (the first Lecture to be delivered on the 18th January, 1855). The Reader will receive his Private Classes on Monday, Wednesday, and Friday evenings, from seven to nine o'clock, in the Benchers' Reading Room at Lincoln's Inn Hall.

#### LAW OF REAL PROPERTY, &c.

The Reader on the Law of Real Property, &c. proposes to deliver, in the ensuing Educational Term, a course of Nine Public Lectures on the following subjects:—

I. The Accumulation Act, 39 & 40 Geo. 3, c. 98—Construction of the 2nd section with reference to Portions—Accumulation independent of the statute.

II. Title by Prescription—at Common Law—by stat. 2 & 3 Will. 4, c. 71—Rights of Common, Way, and Light; 2 & 3 Will. 4, c. 100—Tithes, Moduses, and Exemptions.

III. Title by Non-claim—3 & 4 Will. 4, c. 27, s. 29; Church Property—sects. 30, 31; Adowsons—sect. 3; Estates in Possession—sect. 28; Mortgagor and Mortgagee—sects. 3, 5; Estates in Reversion—sect. 16; Savings from Disabilities—sects. 25, 27; Trusts and Equitable Interests—sect. 40; Money charged upon Land; Legacies; Judgments—3 & 4 Will. 4, c. 42, s. 3.

IV. Title by Descent at Common Law—alterations introduced by 3 & 4 Will. 4, c. 106.

V. Assignment of Satisfied Terms—8 & 9 Vict. c. 112.

The Lectures to be delivered to the Private Classes will comprise the following subjects:—For the Senior Class, the text of Sugden on Powers, c. iii, s. 1, c. 18, will form the basis of the Lectures; and the latest decisions illustrating the principles there laid down will be examined and commented on. In the Junior Class, the subject of the Lectures will be "Remainders," and the text-book, 2 Cruise's Dig., tit. XVI.

The Public Lectures will be delivered at Gray's Inn Hall on Friday in each week, at two P.M., (the first Lecture to be delivered on the 19th January, 1855). The Private Classes will be held in the North Library of Gray's Inn on Monday, Wednesday, and Friday mornings, from a quarter to twelve to a quarter to two o'clock.

#### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law will,

in the course of the ensuing Educational Term, deliver Nine Public Lectures on the following subjects:—

I. On Sovereignty—The Nature, Limits, and Criteria of Territorial Sovereignty—The History of the Conception, and its Importance in Theories of Jurisprudence—On some complex Forms of Sovereignty, with Reference more particularly to the United States of America and to the Germanic Confederation.

II. On the Law of Persons—On some Peculiarities in the Condition of early Societies, and the durable Effects which they have produced on Ancient and Modern Jurisprudence—The Power of the Father, and the Tutelage of Women and Pupils—On the Original Character and Objects of these Institutions, and the Agencies by which they were progressively modified—On Legal Fictions, and their Place in Jurisprudence—On the Prætorian Equity, and the Principles descended from it to Modern Law.

III. On the Law of Things—On the Order and Connexion of the Departments of Law—On the different Classes of Rights, and their relation to each other—On Universities of Rights, and Universal Successions—On Ownership, and its Modifications—On Obligation, Contract, and Delict.

With his Private Class the Reader proposes to discuss the Roman Law of Contracts, Testaments, and Legacies, employing as his text-book the Institutiones Juris Romani Privati of Warnkönig. It is desirable that students should provide themselves with the text of Justinian's Institutes, and of the Commentaries of Gaius; and also, if possible, with the Explication Historique des Instituts of Ortolan, or with the English edition of the Institutes by Sanders. Copies of the entire Corpus Juris will be found in the Lecture Room.

The Public Lectures will be delivered in the Hall of the Middle Temple on Tuesday in each week, at two P.M., (the first Lecture of the course on Tuesday, the 16th January, 1855).

The Private Classes will assemble at the Class-room in Garden-court on Tuesday, Thursday, and Saturday evenings, from seven to nine o'clock.

#### COMMON LAW.

The Reader on Common Law proposes to deliver, during the Educational Term, commencing on the 11th January, 1855, a course of Nine Public Lectures on the Law of Contracts, the subjects to be treated in which will be as under:—

Lecture I.—Remarks as to Contracts generally—their obligatory force and classification.

Lectures II and III.—Contracts of Record and by Specialty examined—Inquiry as to the Operation of the Doctrine of Merger and of Estoppel.

Lectures IV and V.—Of Contracts between Landlord and Tenant.

Lecture VI.—Of Simple Contracts, written and oral—Analysis of a Simple Contract—the request, the consideration, the promise.

Lecture VII.—Of Contracts void on the ground of illegality and of fraud.

Lectures VIII and IX.—The Capacity to contract, how affected by infancy, coverture, mental imbecility, or otherwise.

With his Private Class the Reader on Common Law proposes to discuss the Law of Contracts, according to the plan above indicated. The books to be principally made use of during this Course will be Smith's Lectures on Contracts, Chitty on Contracts, and Woodfall's Landlord and Tenant.

The Lectures on Common Law during the ensuing Educational Term will be delivered, and the Private Classes will meet, in the Hall of the Inner Temple, as under:—

The Public Lecture on Monday in each week, at two P.M., (the first Lecture to be delivered on the 15th January, 1855).

The Private Class on Tuesday, Thursday, and Saturday mornings, from a quarter to twelve to a quarter to two o'clock.

By Order of the Council,

(Signed) EDWARD RYAN, Chairman pro tem.

*Note.*—The Educational Term commences on the 11th January, and ends on the 30th March, 1855.

The several Readers will receive their respective Classes on the appointed days, commencing on Monday, the 15th January.

### PHOTOGRAPHY AN AID TO THE ADMINISTRATION OF CRIMINAL JUSTICE.

MR. J. A. GARDINER, the Governor of the Bristol Gaol, has just addressed a circular to the Governors of other Gaols, stating the advantages which result from taking photographic likenesses of prisoners. We extract the following from his letter:—

"The importance of being enabled, in the cases of all hardened criminals, to prove previous convictions, must be too self-evident to dwell upon; neither does it require argument to shew that the difficulties hitherto in the way of such proofs have been always numerous, and often insurmountable.

"When the convict has been sent back for a second time to the same gaol, the required evidence has been easily procurable; but it is well known to all who have been concerned in criminal administration, that the most cunning, the most skilled, and the most daring offenders are migratory in their habits; that they do not locate themselves in a particular town or district, but extend their ravages to wherever there is the most open field for crime, or where the chances of plunder most present themselves. That this is the case will be attested by the police of almost every large city, whose experience will have failed to connect the most extensive and best-planned robberies with their resident known thieves.

"A knowledge of the foregoing truths induced me, a few years ago, to desiderate some mode by which descriptions of committed prisoners suspected of previous convictions might be circulated among the governors of leading gaols, but numerous difficulties at first presented themselves. Periodical visits of inspection might be useful, but they would have two great disadvantages—first, they would withdraw the governor or confidential officer too frequently from his gaol duties; and, secondly, they would entail expenses which the counties could not bear. Written descriptions, in very marked cases, might be effective; but, as in the great majority of instances it would be found impossible to make them sufficiently precise, they would only tend, where persons were sent to identify, to frequent disappointments and useless expense.

"Photography then suggested itself to my mind, and it became at once apparent, that if I could devise some means of making the operation sufficiently sudden, I might, in scores of cases, even without the knowledge of the prisoner, procure his likeness, a very icon of himself, of which, being capable of multiplication to any extent, I might transmit a copy to wherever it might promise to lead to useful results.

"Twelve months' continuous study of the system has enabled me to perfect it. I have now an apparatus in my gaol which I use daily. I have rendered it most subservient to the object for which it was designed, and through its use have brought to justice several hardened offenders, who, being unknown in my neighbourhood, would otherwise have escaped with inadequate punishment.

"J. H. came into the Bristol Gaol, upon commitment for trial, a perfect stranger to me and my officers; he was well attired, but very illiterate; the state of his hands convinced me that he had not done any hard

work, while the superiority of his apparel over his attainments led me to suspect that he was a practised thief. I forwarded his likeness to several places, and soon received information that he had been convicted in London and Dublin. The London officer, who recognised him by his portrait, was subpoenaed as a witness, picked him out from among thirty or forty other prisoners, and gave evidence on his trial in October last, which led the Recorder to sentence him to six years' penal servitude.

"J. D. came to the gaol wholly unknown; his person and manners induced me to suspect that it was not his first appearance in a place of confinement; and, having made several copies of his portrait, I sent them round to the governors of different prisons. He was recognised as having been convicted at Wells; the necessary witness was subpoenaed, his former conviction proved, and he was sentenced to four years' penal servitude.

"I could mention several instances in which some most notorious thieves, strangers to this part, have been brought to proper punishment.

"Such having been my own experience, I now appeal to the governors of other gaols to aid me in carrying out the system upon a broad and a national scale. The cost of an apparatus complete will not exceed 10*l.*, and it may be worked at an expense of about 5*l.* per annum.

"I have only to add my wish that you should bring this communication under the notice of your visiting justices, and to say, 'Should the authorities of any district consider that I can help them, by instructing their officers in the exercise of this most useful art, I shall be happy to do so.'"

### Court Papers.

EQUITY SITTINGS, HILARY TERM, 1855.

#### Court of Chancery.

*Before the LORD CHANCELLOR, at Westminster.*

Thursday .. Jan. 11 Appeal Motions and Appeals.

*At Lincoln's Inn.*

Friday ..... 12 Petitions and Appeals.

Saturday ..... 13

Monday ..... 15 } Appeals.

Tuesday ..... 16

Wednesday ..... 17

Thursday ..... 18 Appeal Motions and Appeals.

Friday ..... 19

Saturday ..... 20

Monday ..... 22 } Appeals.

Tuesday ..... 23

Wednesday ..... 24

Thursday ..... 25 Appeal Motions and Appeals.

Friday ..... 26

Saturday ..... 27 } Appeals.

Monday ..... 29

Tuesday ..... 30 Petitions and Appeals.

Wednesday ..... 31 Appeal Motions and Appeals.

*Before the LORDS JUSTICES, at Westminster.*

Thursday .. Jan. 11 Appeal Motions.

*At Lincoln's Inn.*

Friday ..... 12 } Petitions in Lunacy and Appeal Motions.

Saturday ..... 13

Monday ..... 15 } Appeals.

Tuesday ..... 16

Wednesday ..... 17

Thursday ..... 18 Appeal Motions and Appeals.

Friday ..... 19

Saturday ..... 20

Monday ..... 22 } Appeals.

Tuesday ..... 23

Wednesday ..... 24

Thursday .....	25	Appeal Motions and Appeals.
Friday .....	26	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	27	Appeals.
Monday .....	29	
Tuesday .....	30	
Wednesday .....	31	
		Appeal Motions.

*Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.*

Thursday .. Jan. 11 Motions.

*At Chancery-lane.*

Friday .....	12	Petitions in General Paper.
Saturday .....	13	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	15	
Tuesday .....	16	
Wednesday .....	17	
Thursday .....	18	Motions.
Friday .....	19	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	20	
Monday .....	22	
Tuesday .....	23	
Wednesday .....	24	Motions.
Thursday .....	25	
Friday .....	26	
Saturday .....	27	
Monday .....	29	Petitions in General Paper.
Tuesday .....	30	Motions.
Wednesday .....	31	

N.B.—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims every Saturday. The Unopposed Petitions to be taken first.

Notice.—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Westminster.*

Thursday .. Jan. 11 Motions.

*At Lincoln's Inn.*

Friday .....	12	Petitions (unopposed first).
Saturday .....	13	Short Causes, Short Claims, & Causes.
Monday .....	15	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	16	
Wednesday .....	17	Motions and General Paper.
Thursday .....	18	
Friday .....	19	Petitions (unopposed first).
Saturday .....	20	Short Causes, Short Claims, & Causes.
Monday .....	22	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	23	
Wednesday .....	24	
Thursday .....	25	Motions and General Paper.
Friday .....	26	Petitions (unopposed first).
Saturday .....	27	Short Causes, Short Claims, & Causes.
Monday .....	29	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	30	
Wednesday .....	31	Motions and General Paper.

N.B.—Unopposed Petitions, not exceeding ten, at the sitting of the Court, every day except Seal-days.

*Before Vice-Chancellor Sir J. STUART, at Westminster.*

Thursday .. Jan. 11 Motions.

*At Lincoln's Inn.*

Friday .....	12	Petitions and General Paper.
Saturday .....	13	Short Causes, Short Claims, & Causes.
Monday .....	15	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	16	
Wednesday .....	17	Motions and General Paper.
Thursday .....	18	
Friday .....	19	Petitions and General Paper.
Saturday .....	20	Short Causes, Short Claims, & Causes.
Monday .....	22	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	23	
Wednesday .....	24	
Thursday .....	25	Motions and General Paper.
Friday .....	26	Petitions and General Paper.

Saturday .....	27	Short Causes, Short Claims, & Causes.
Monday .....	29	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	30	
Wednesday .....	31	Motions and General Paper.

*Before Vice-Chancellor Sir W. P. WOOD, at Westminster.*

Thursday .. Jan. 11 Motions.

*At Lincoln's Inn.*

Friday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	13	
Monday .....	15	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	16	
Wednesday .....	17	Motions and General Paper.
Thursday .....	18	
Friday .....	19	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
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Saturday .....	27	
Monday .....	29	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	30	
Wednesday .....	31	Motions and General Paper.

**EQUITY CAUSE LISTS, HILARY TERM, 1855.**

\*\* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*SA.* Short.

**Court of Chancery.**

*Before the LORD CHANCELLOR.*

APPEALS.	
Lockhart v. Reilly	(3 Aps) CAUSE.
Reilly v. Lockhart	
Goldsmith v. Russell	
	Neale v. Farrer.

*Before the LORDS JUSTICES.*

**APPEALS.**

Evans v. Evans	{ (Part heard)	Nicholson v. Whalley (S) (Original causes)
Evans v. Saunders		Davidson v. Mason
Saunders v. Richardson (Ca.)		Daniel v. Gosset
Evans v. Morgan (Sup. ca.)		Daniel v. Gosset
Duncan v. Canman	{ After T.	Williams v. Hodgson
Procter v. Cooper		Burrows v. Walls
Lake v. Bruton		Schofield v. Schofield
Same v. Same		Miller v. Chapman
Same v. Hirtzell		Walters v. Northern Coal-mining Co.
Smith v. Pawson		Maynell v. Surtees (2)
Manning v. Purcell (2)		Harrison v. Mayor of Southampton.
Alexander v. Brame (2)		
Hope v. Hope		
Thomas v. Cooper		

*Before the Right Hon. the MASTER OF THE ROLLS.*

CAUSES, &c.	
Gray v. Haig } (E, 2 sets, F D, C, part hd.)	Parsons v. Beebee } (Cause)
Haig v. Gray	Same v. Same
Whitfield v. Bowyer { (M for decree, pt. hd.)	Swinton v. Wilson (Cause)
Whitfield v. Sturgis	Kebble v. Samms (S) (FD, C)
Hele v. Bexley (7) (F D, C)	Greenslade v. Dare (Cause)
Davis v. Earl Dysart (E)	2nd C D
Green v. Dunn (M for decree)	Edmonds v. Millett (M for decree, part heard) Jan. 19
Walmaley v. Cardwell (Cause)	Wilson v. Harley (Cause, part heard) Not until mentioned



Andrew v. Simmons } (Caus.)  
 Andrew v. Simmons }  
 Tunally v. Mousley (M for decree)  
 Official Manager of the New-castle, Shields, &c. Banking Co. v. Moffett (Cause)  
 Trutch v. Lamprell (M for decree)  
 Meyrick v. Lawes } (M for Same v. Mathias } decree)  
 Blunt v. De Mallets (Cause)  
 Hughes v. Williams (M for decree)  
 Trafford v. Barton (Cause)  
 Yarrington v. Barker (M for decree)  
 Partridge v. Ives (M for dec.)  
 Symes v. Magnay (M for dec.)  
 Watson v. Cleaver (M for decree)  
 Warick v. Richards (Cause)  
 Wynne v. Ogilvie (M for dec.)  
 Pilkington v. Belton (M for decree)  
 Jebb v. Tugwell (M for decree)  
 Elam v. Stead (M for decree)  
 Brady v. Morgan (M for dec.)  
 Beere v. Beere (Cause)  
 Turnley v. Biron (M for dec.)  
 Maddock v. Akid (M for dec.)  
 Robinson v. Anderson (Cause)  
 Poole v. Poole (M for decree)  
 Shaw v. Neale (Cause)  
 Harford v. Lloyd (Cause)  
 Child v. Child (Cause)  
 Jefferies v. Michell (Cause)  
 Bell v. Whitbourn (M for dec.)  
 Hollingsworth v. Woodhead (Cause)  
 Pullen v. Fairthorne (M for decree)  
 Rogers v. Rogers (Cause)  
 Caledonian Railway Co. v. Woodrow (Cause)  
 Arkell v. Henly (Cause)  
 Henly v. Henly (Cause)  
 Capell v. Hyatt (M for decree)  
 Davies v. Hallett (M for dec.)  
 Bensley v. Riches (M for dec.)  
 Collinson v. Lister (Cause)  
 Brocklebank v. Johnson (M for decree)  
 Cookson v. Bingham } (Cau.)  
 Same v. Elliott }  
 M<sup>c</sup>Mullen v. Rea (M for dec.)  
 Nicholson v. Carr (M for dec.)  
 Att.-Gen. v. Harman (M for decree)  
 Att.-Gen. v. Moor (Cause)  
 Turner v. Ramsay (Cause)  
 Jones v. Dickson (M for dec.)  
 Hooper v. Barry (Further consideration)  
 Hambly v. Michell (Further consideration)  
 Stockley v. Pearson (Further consideration)  
 Allan v. Ruysenaers (Cause)

Carew v. Yates (Cause)  
 Dania v. Hollows (Further consideration)  
 Johnson v. Cammell (M for decree)  
 Edwards v. Bayley (M for decree)  
 Watts v. Shrimpton (Cause)  
 Freeman v. Stone (Cause)  
 Collins v. Collins (M for dec.)  
 St. Aubyn v. Humphreys (Further consideration)  
 Birkett v. Russell (Cl)  
 Orrett v. Corser (M for dec.)  
 Gregory v. Faulkner (M for decree)  
 Spyer v. Hyatt (Cl) SA  
 Att.-Gen. v. Johnson } (F D, Same v. Seddon } C)  
 Robinson v. Robinson (Cl)  
 Lavers v. Edwards (Cl)  
 Minet v. Leman (M for decree)  
 Stephens v. Wanklin } (Caus.)  
 Same v. Salway }  
 Rowles v. Everatt (Cl)  
 Melland v. Ashmall (Cl)  
 Pitt v. Pitt (Cause) SA  
 Payne v. Barker (Further consideration)  
 Att.-Gen. v. Corporation of Great Yarmouth (Cause)  
 Griffin v. Clowes (Further consideration)  
 Coard v. Holderness (M for decree)  
 Cowling v. Bowstead (Further consideration)  
 Haigh v. Hepworth (Further consideration)  
 Lingard v. Lingard (M for decree)  
 Tew v. Austen (Cl)  
 Sanderson v. Duval (Cl)  
 Rendlesham v. Norman (Further consideration)  
 Band v. Fardell (Further consideration)  
 Cochrane v. Barclay (Cl)  
 Bicknell v. Bouleott (Further consideration)  
 Baker v. Baker } (F D, C) SA  
 Same v. Lee }  
 Dorman v. Buckley (Cause)  
 Bradbury v. Ward (M for dec.)  
 Bolt v. Lockett (Cl)  
 Thomas v. Woodhouse (M for decree)  
 Moore v. Brookes (F D, C)  
 Bone v. Pollard (M for decree) SA  
 Hodgson v. Smithson (M for decree)  
 Hannah v. Kilner (Cause)  
 Leisinger v. Winter (M for decree)  
 Davis v. Earl of Dysart (M for decree)  
 Corrodus v. Sharp (Further consideration)

Lord v. Colvin (Cause) A. T.  
 Sutcliffe v. Crosse (M for dec.)  
 Birley v. Owen (Cl)  
 Clements v. Pulman (Cause)  
 Yeates v. Roberts (M for dec.)  
 Colvin v. Lord (Cause)  
 Maybery v. Brooking (Rel.)  
 Upton v. Forster (Cause)  
 Welton v. Cracknell (M for decree)  
 Gough v. Lewis } (Cause)  
 Gough v. Lewis }  
 Summers v. Summers (Cl)  
 Other v. Iveson (M for decree)  
 Pollard v. Doyle } (Cause)  
 Kearns v. Doyle }  
 Houlding v. Cross (Sp. case)  
 Gurney v. Gurney (Cl)  
 Fawthrop v. Craven (Sp. case)  
 Thornber v. Wilson (Cause)  
 Twining v. Twining } (F D, Twining v. Holmes } C)  
 Creed v. Corner (M for dec.)  
 Tomson v. Judge (Cause)  
 Pennell v. Hume (Cause)  
 Newman v. Stone (Cl)  
 Moodie v. Bannister (Cause)  
 Campbell v. Lord Stafford (M for decree)  
 Rogers v. Hooper (Cause)  
 Henderson v. Cook (Cause)  
 Tennant v. Parker (Cause)  
 Williamson v. Wootton (Cl)  
 Wardle v. Marsden (M for decree)  
 Bean v. Dawson (M for dec.)  
 Rumball v. Poole } (F D, C)  
 Rumball v. Peachy }  
 Williams v. Hughes (Cause)  
 Greene v. Norton (4) (F D, C)  
 Hudson v. Whimpole (Further consideration)  
 Elder v. Maclean (3) (E, F D, C)  
 Barton v. Dixon (7) (F D, C)  
 Mott v. Jollye (Cause)  
 Kent v. Porter (Cause)  
 Greenwood v. Taylor (5) (E, F D, C)  
 Thompson v. Jeyes (Cause)  
 Hitchman v. Stewart } (Fur. Trail v. Stewart } cons.)  
 Evans v. Kinsey (Cause)  
 Bowles v. Field (Cause)  
 Garner v. Moore (Cause)  
 Boughton v. Farrer (Sp. case)  
 Ramsden v. Hirst (M for dec.)  
 Harley v. Moon (Further consideration)  
 Monro v. Proctor (F D, C)  
 Rogers v. Dicks (M for dec.)  
 Lacon v. Allen (Cause)  
 Wild v. Booker (Further consideration)  
 Berry v. Charnock (M for decree)  
 Dolman v. Curling (Cause)  
 Ashcroft v. Powell (3) (Cause)

Patch v. Graves (M for dec.)  
 Countess of Mornington v. Greenly (M for decrees)  
 Stephenson v. Poppel } (Caus.)  
 Same v. Same }  
 Welch v. Coles (F D, C)  
 Dickenson v. Peacock (Further consideration)  
 Mayne v. Mayne (Cause)  
 Dolman v. Nokes (Cause)  
 Smith v. Banbury (F D, C, Ptn)  
 Attorney-Gen. v. Drapers Co. (Cause)  
 Gibson v. Homes (Cause)  
 Sturch v. Bolton } (Cause)  
 Same v. Same }  
 Shelford v. Kane (Cause)  
 Dresser v. Hoare (M for dec.)  
 Wiles v. Gresham (Further consideration)  
 Morland v. Isaacs (Cause)  
 Banks v. Braithwaite (F D, C)  
 Att.-Gen. v. Baines (F D, C)  
 Barnes v. Carter (Cl)  
 London and South-western Railway Co. v. Humphrey (Cause)  
 Aubert v. Aubert (Cause)  
 Taylor v. Portington (M for decree)  
 Pogson v. Burton (F D, C)  
 Lawley v. King (M for decree)  
 Adlington v. Chippendale (Further consideration)  
 Lewarne v. Collins (Cause)  
 Holmes v. Holmes } (F D, C)  
 Same v. Same }  
 Taylor v. Johnson (M for dec.)  
 Wood v. Wood (Cl)  
 Job v. Truelove (M for decree)  
 Marryatt v. Marryatt (M for decree)  
 Pembroke v. Kingsford (Further consideration)  
 Fletcher v. Moore (Cause)  
 Moseley v. Glen (M for decree)  
 Sealy v. Waugh (M for decree)  
 Chester v. Brown (Cause)  
 Shew v. Marsh (M for decree)  
 Bowerbank v. Frodsham (F D, C)  
 Pownell v. Miller (Cause)  
 Ball v. Freeman (Cause)  
 Weston v. Hobson (F D, C)  
 Baynard v. Woolley (M for decree)  
 Jones v. Lodge (4) (F D, C)  
 Wood v. Taylor } (F D, C)  
 Same v. Lord }  
 Carter v. Sanders (Further consideration)  
 Eckford v. Roome (F D, C)  
 Shelley v. Clarke (F D, C)  
 Turner v. Goodrich (M for decree)  
 Fagge v. Sandys (M for dec.)  
 Holmes v. Holmes (Cl)

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

CAUSES, &c.  
 Davis v. Chanter } (By ord.)  
 Same v. Plymell }  
 Bush v. Peterson (Cause, part heard)  
 Fisher v. Baldwin (Cause)  
 Abberley v. Sherwin (Cause)  
 Att.-Gen. v. Vansittart (Cau.)  
 Way v. Way (Cause)

Gossip v. Wright (Cause)  
 Crosse v. Robinson (Cl)  
 Darvell v. Roper (M for dec.)  
 Wallace v. Blackwell (Cause)  
 Coombs v. Mansfield } (Ca.)  
 Coombs v. Herniman }  
 Nixon v. Masterman (M for decree)  
 Lukey v. Higgs (Cl)

*Before Vice-Chancellor Sir J. STUART.*

PLEAS, DEMURRERS, CAUSES, &c.

White v. Self (Cl)  
 Sayre v. Cramp (Cause)  
 Chapman v. Great Northern Railway Co. (F D, C)  
 Thompson v. Clarke (M for decree)  
 Goode v. Hollier (Cause) S O  
 Whitbread v. Lyall (M for decree)

Cole v. Eaton (Further cons.)  
 Edwards v. Tate (3) (F D, C)  
 Gore v. Bower (3) (E, F D, C)  
 Munk v. Cole (F D, C, Ptn)  
 Salter v. Adey (Cause)  
 Davey v. Harrison (2) (F D, C)  
 Johnson v. Bennett (F D, C)  
 Lee v. Browne (F D, C)  
 Bethell v. Stocks (Cause)

- Henbrough v. Atkinson (M for decree)
- Wheatley v. Purser (Further consideration)
- Wickenden v. Rayson (Further consideration)
- Goff v. Walters (M for decree)
- Lea v. Grandy } (Subsequent  
Lea v. Cook } F D, C)
- Marquis of Londonderry v. Earl Vane (M for decree)
- Collinge v. Knight (4) (E)
- Singleton v. Bulmer (E, F D, C)
- Roe v. Smith (Further cons.)
- Wiggins v. Peppin (4) (F D, C)
- Hughes v. Paramore (E)
- Ince v. Ince (Cause)
- Mander v. Cattell (Further consideration)
- Ridder v. Yearley (F D, C)
- Cecil v. Nicholson (Further consideration)
- Tickner v. Smith (Cause)
- Clarke v. Whiteway (Further consideration)
- Llewellyn v. Morgan (F D, C)
- Cropper v. Mellersh (M for decree)
- Engleheart v. Ordell (F D, C, Ptn)
- Crosbie v. Bunnett (Cause, Ptn)
- Stanley v. Wrigley (Cause)
- Ibberson v. Warth (Cause)
- Howard v. Lloyd (M for dec.)
- Vincent v. Godson (F D, C, Ptn)
- Franklin v. Franklin (Cause)
- Fowler v. Holt (F D, C)
- Gay v. Tudor (Further cons.)
- Casley v. Goodridge (Cl)
- Gibson v. Fairlamb (Further consideration)
- Perry v. Walker (E, F D, C)
- Finch v. Carey (M for dec.) SA
- Laire v. Parkin (Cause)
- Weston v. Thompson (Cause)
- Hunt v. Hunt (Cl)
- Stockin v. Lane (Cause)
- Brayshaw v. Preston (Cause)
- Roberts v. Vercoe (Cause)
- Gage v. Gage (Further cons.)
- Plumbe v. Straford (M for decree)
- Russell v. McCulloch (2) (Ca.)
- New River Co. v. Pearson (M for decree)
- Corke v. Higgins (F D, C)
- Evans v. Brown (Cause)
- Hatwill v. Rimell (Further consideration)
- Green v. Morris (Cause)
- Bishop v. Webb (M for decree)
- Rittson v. Sturdy (F D, C)
- Ramsbottom v. Brierly (Cau.)
- Burton v. Sills (Further cons.)
- Crow v. Colombine (2) (F D, C)
- Paddon v. Richardson (Cause)
- Beaumont v. James (F D, C)
- Creak v. Fraser (Cl)
- Earl of Mansfield v. Ogle (6) (E, 2 sets)
- Lewis v. Lewis (4) (E, F D, C)
- Anderson v. Sandeman (2) (F D, C)
- Nicholls v. Hoblyn (E)
- Martindale v. Challis (Cl)
- Wood v. Ordish (6) (F D, C)
- Spink v. Hutton (6) (F D, C)
- Williams v. Minster (Further consideration) SA
- Harwood v. Welham (Further consideration) SA
- Sheppard v. Holmes (Cause) SA
- Dunne v. Dunne (Cl)
- Foster v. Cautley (Further consideration)
- Eaton v. Hanwell (M for dec.)
- Finch v. Pearson (F D, C) SA
- Evans v. Nixon (M for decree)
- Rippon v. Baker (Cl)
- Wyatt v. Fisher (3) (Further consideration)
- Jones v. Richards (M for dec.)
- Wheatley v. Bastow (2) (Cau.)
- In re Kirby's Trust } (Further  
Phillips v. Kirby } consid.)
- Orford v. Ardern (Further consideration)
- Smith v. Edmonds (Further consideration)
- Mullens v. Bush (M for dec.)
- Re Irvine } (Fur. cons.  
Irvine v. Irvine } from cham.)
- Jones v. Jones (2) (Further consideration)
- Winch v. Winch (Further consideration)
- Wigan v. Rowland (Further consideration)
- Powell v. Griffiths (2) (F D, C)
- Hills v. Busby (Further consideration)
- Thorp v. Thorp (Cause)
- Hibbert v. Balchin (Further consideration)
- Lane v. Niblett (Further consideration)
- Hepburn v. Palmer (3) (Further consideration)
- Lawton v. King } (Cause)  
Same v. Same }
- Thorpe v. Thorpe (M for dec.)
- Goodwin v. Lee (M for dec.)
- Wright v. Kitchin (Cl)
- Edwards v. Kennedy (M for decree)
- Lea v. Church (Cause)
- Yeoman v. Chawcraft (Further consideration)
- Bell v. Adams (M for decree)
- Remnant v. Smallpiece (Cl)
- Earl of Lonsdale v. Countess Berchtoldt (Further cons.)
- Ogden v. Battams (Cause)
- Daines v. Parkinson (Cl)
- Kennett v. Tytherleigh (F D, C)
- Duke of Richmond v. Duncan (M for decree)
- Henney v. Fenton (F D, C)
- Hodgson v. Heads (M for dec.)
- Robertson v. Newham (M for decree)
- Att.-Gen. v. Mostyn (Cause)
- Coombs v. Baker (Cause)
- Carrington v. Beard (Further consideration)
- Turner v. Irlam (M for decree)
- Beere v. Beere (M for decree)
- Harvey v. Bulkeley } (Cause)  
Same v. Sturgis }
- Ruford v. Davies (Cause)
- Hind v. Poole (Special case)
- Cochrane v. St. Clair (Cause)
- Kelley v. Parker (Cause)
- Smith v. Cross (Cl)
- Palacio v. McKnight (M for decree)
- Webb v. Ledsam (M for dec.)
- Wood v. Grazebrook (M for decree)
- Taylor v. Wilkes (Cause)
- Savage v. Wilkins (M for dec.)
- Swallow v. Binns (Sp. case)
- Stephens v. Hotham (Cause)
- Lecoy v. Mogford (Cause)
- Bartlett v. Salmon (M for decree)
- Fowler v. Bayldon (Further consideration, M)
- Bohun v. Smith (M for dec.)
- Tyrrell v. Weld (M for dec.)
- Goddard v. Haslam (M for decree)
- Milligan v. Earl of Hardwicke (M for decree)
- Hodson v. Cash (M for dec.)
- Owen v. Bank of England (M for decree)
- Crofts v. Middleton (Cause)
- Baker v. Griffiths (Cause)
- Key v. Key (Special case)
- Knapman v. Loosemore (M for decree)
- Bulkeley v. Hope (Special ca.)
- Ambrose v. Ambrose (2) (Ca.)
- Lowe v. Palmer (M for dec.)
- Johnson v. Windle (Cl)
- Petty v. Cockeril (Cause)
- M'Nicoll v. Kay (Cl)
- Shotwell v. Shotwell (M for decree)
- Hopkin v. Hopkin (Cause)
- Rooper v. Harrison (Cause)
- Preston v. Rayns (Cl) SA
- Parry v. Milne (M for decree)
- Langhorne v. Black (Cause)
- Malles v. Ryott (Further consideration)
- Stephens v. Adamson (Sp. ca.)
- Firth v. Greenwood (Cause)
- Watson v. Colchester (M for decree)
- Gabb v. Prendergast (M for decree)
- Williams v. North Staffordshire Railway Co. (Cause)
- Watson v. Loveday (Cl)
- Hervey v. Fitzpatrick (Cause)
- Gross v. Errington (M for decree)
- Dewar v. Ellwood (Cause)
- Pulling v. Crawshaw (Cause)
- Norbury v. Green (F D, C)
- Hall v. Broughton (Cause)
- Walker v. Banks (M for dec.)
- Gordon v. Henning (E)
- Thompson v. Daniel (Further consideration)
- Attorney-Gen. v. Stephens (M for decree)
- Loosemore v. Knapman (Further consideration)
- Rawlings v. Nash (Further consideration)
- Sneesby v. Thorne (M for decree)
- Taylor v. Millard (F D, C)
- Ellwood v. Atkinson (Cause)
- Barnes v. Wood (3) (F D, C)
- Howell v. Price (Further consideration)
- Scovell v. Neale (M for dec.)
- Parr v. Jewell (Cause)
- Curtis v. Allen (Cause) SO, SA
- Hillier v. Haymon (Cause)
- Wyatt v. Haslewood (Cause) SA
- Wilks v. Jones (M for decree)
- Forster v. Waddington (M for decree)
- Mandeno v. Mandeno (Further consideration)
- Wilkins v. Reeves (Cl)
- Cochrane v. Buchanan (Cl)
- Gwyon v. Gwyon (Cause, M for decree)
- Shaw v. Farrer (Cause)
- Brewe v. Cox (Further cons.)
- Walker v. Simpson (M for decree)
- Newton v. Dimes (M for dec.)
- Milnes v. Betteley (Cl)
- Ferraby v. Commercial Credit Mutual Assurance Society (Cause)
- In re Lindfield } (Further  
Horton v. Lind- } consid. on  
field } summons)
- Stephens v. Gadsden (M for decree)
- Jackson v. Foster (Cause)
- Cooper v. Cooper (Sp. case)

## Before Vice-Chancellor Sir W. P. Wood.

## CAUSES, &amp;c.

- Barrow v. Barrow (E for scandal)
- France v. Morrison (Pl)
- Annington v. Newmarch (D)
- Forsyth v. Ellice } (F D, C)  
Same v. Same } SO
- Spickernell v. Hotham (E, F D, C)
- Davidson v. Greaves (Cause)
- Hawkins v. Batchelor (M for decree)
- Brett v. Lethbridge (Sp. case)
- Hanson v. Olivo (M for dec.)
- Gray v. Smith (2) (Cause)
- Pierce v. Beauland (M for decree)
- Law v. London Indisputable Life Policy Co. (M for dec.)
- Band v. Randle (Cause)
- Attenborough v. Attenborough (Cl)
- Sands v. Handley (Cl)
- Mills v. Birch (M for decree)
- Baker v. Armitage (M for decree)

- Scott v. Bentley (M for decree)
- Thompson v. Wedlake (Cause)
- Alderson v. Dalton (Cause)
- Eversfield v. Tisdell (M for decree)
- Lawrie v. Banks (M for dec.)
- Watson v. Freeman (M for decree)
- Woodhouse v. Herrick (Special case)
- Wale v. Rackstraw (Cause)
- Allport v. Stephens (Cause)
- Cropper v. Babb (Cause)
- Chappell v. Atkinson (M for decree)
- Bullock v. Bennett (Sp. case)
- Horsfield v. Ashton (F D, C)
- Att.-Gen. v. Queen Elizabeth's College (Cause)
- Lee v. Head (Special case)
- Deaborough v. Harris (Cause)
- Phipps v. Kelson (Cl)
- Goodlad v. Burnett (Further consideration)
- Powell v. South Wales Railway Co. (E, F D, C)

Pickford v. Brown (M for dec.)  
 Johnson v. Clarke (Cause)  
 Grainger v. Newham (Further consideration)  
 Dickens v. Unthank (M for decree)

Littlejohns v. Household (Ca.)  
 Jossaume v. Wade (Further consideration)  
 Edsforth v. Armstead (Cl)  
 Bottomley v. Greenwood (M for decree).

### London Gazette.

FRIDAY, JANUARY 5.

#### BANKRUPTS.

HENRY ALBERT LINFORD and WILLIAM RICHARDSON, Sherbourne-lane, London, tavern and eating-house keepers, Jan. 16 and Feb. 15 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Pollock, 54, Besborough-street, Belgrave-road.—Petition filed Dec. 29.

GEORGE HART, Strand, Middlesex, ironmonger, dealer and chapman, Jan. 13 at 11, and Feb. 16 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Shepherd, 16, Clifford's-inn, Fleet-street, London.—Petition filed Jan. 2.

GEORGE JAMES LOE, Chertsey, Surrey, builder, dealer and chapman, Jan. 11 (and not Jan. 13, as previously advertised) and Feb. 6 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Lovett, Guildford, Surrey; Jaquet, 9, New-inn, Strand, London.—Petition filed Dec. 18.

CHARLES MARYON CROOKS, Church-row, Houndsditch, London, licensed victualler, wine and spirit merchant, dealer and chapman, Jan. 11 (and not Jan. 13, as previously advertised) and Feb. 6 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Trehern & White, 13, Bargeyard-chambers, Bucklersbury, London.—Petition filed Dec. 20.

JAMES WELCH, Barnsbury-place, Upper-street, Islington, Middlesex, innkeeper, Jan. 19 and Feb. 13 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Reed, 11, Ironmonger-lane, Cheapside, London.—Petition dated Jan. 3.

WILLIAM BOWLER, Windsor-terrace, Cooper's-road, Old Kent-road, formerly of Southwark-bridge-road, Surrey, hat manufacturer, dealer and chapman, Jan. 19 and Feb. 13 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Turnley & Luscombe, 38, Cannon-street, London.—Petition filed Jan. 3.

ROBERT THOMSON, St. John-street-road, Clerkenwell, Middlesex, linendraper, Jan. 19 at 2, and Feb. 13 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lumley & Lumley, 41, Ludgate-street, London.—Petition filed Jan. 4.

WILLIAM THOMAS ASHWIN, Montpelier Vale, Blackheath, Kent, chemist and druggist, Jan. 16 at half-past 11, and Feb. 13 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Lindus, 5, South-square, Gray's-inn, Middlesex.—Petition filed Jan. 3.

DAVID LEOPOLD LEWIS, Salters'-hall-court, Cannon-street, London, and Larkhall-grove, Clapham, Surrey, merchant, dealer and chapman, Jan. 17 at half-past 1, and Feb. 14 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Cox, Pinners'-hall, Old Broad-street, City.—Petition filed Jan. 4.

JAMES DIGBY, Birch, Essex, miller, Jan. 13 at 1, and Feb. 24 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Barnes & Neck, Colchester; Wire & Child, 9, St. Swithin's-lane, London.—Petition filed Dec. 28.

THOMAS BATEMAN MANNING, Creek-road, Deptford, Kent, iron and brass founder, Jan. 17 at half-past 12, and Feb. 24 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Nickoll, 33, Essex-street, Strand.—Petition dated Jan. 4.

HARRIET JOSEPH, Merthyr Tydvil, Glamorganshire, victualler, and now a prisoner for debt in the Gaol of Cardiff, out of business, Jan. 17 and Feb. 14 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Miller, Bristol.—Petition filed Dec. 26.

WILLIAM HENRY SAUNDERS, Pontypool, Monmouthshire, grocer and shopkeeper, Jan. 17 and Feb. 14 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol.—Petition filed Jan. 2.

JONATHAN WAILES, Dewsbury, Yorkshire, scribbling miller and rag dealer, Jan. 23 and Feb. 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Scholes & Son, Dewsbury; Blackburn, Leeds.—Petition dated Jan. 2.

OWEN THOMAS, Manchester, tailor and draper, dealer and chapman, Jan. 16 and Feb. 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Clough, Huddersfield; Higson & Robinson, Manchester.—Petition filed Dec. 22.

#### MEETINGS.

*Elias Warhurst*, Ardwick, Manchester, timber merchant, Jan. 16 at 12, District Court of Bankruptcy, Manchester, last ex.—*Charles Warwick*, Manchester, commission agent, Jan. 27 at 11, District Court of Bankruptcy, Manchester, last ex.—*John S. Smith*, Liverpool, drysalter, Feb. 12 at 12, District Court of Bankruptcy, Manchester, last ex.—*James Pedley Deane*, Manchester, merchant, Feb. 16 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thomas Deane*, Blackburn, Lancashire, draper, Feb. 1 at 12, District Court of Bankruptcy, Manchester, last ex.—*Michael Solomon*, Lambeth-walk, Surrey, china dealer, Jan. 18 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Francis Wildbore*, Stamford, Lincolnshire, hotel keeper, Jan. 18 at half-past 11, Court of Bankruptcy, London, aud. ac.; Jan. 26 at half-past 1, div.—*John D. Humphreys*, New Wharf-road, Caledonian-road, Middlesex, engineer, Jan. 18 at half-past 11, Court of Bankruptcy, London, aud. ac.; Jan. 26 at 2, div.—*Cornelius Gibbs*, Thorndon, Suffolk, innkeeper, Jan. 18 at 12, Court of Bankruptcy, London, aud. ac.—*Charles Staples* and *John Collyer*, Southampton, ship plumbers, Jan. 18 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Sidney M. Hawkes*, Britten-street, Chelsea, Middlesex, brewer, Jan. 18 at half-past 11, Court of Bankruptcy, London, aud. ac.—*James Bishop*, Southampton, boot maker, Jan. 18 at 11, Court of Bankruptcy, London, aud. ac.—*George Howes*, Mortimer-road, Kingsland, Middlesex, licensed victualler, Jan. 18 at 11, Court of Bankruptcy, London, aud. ac.—*James Purdy* and *Wm. T. Purdy*, King's Lynn, Norfolk, builders, Jan. 19 at 11, Court of Bankruptcy, London, aud. ac.—*Benjamin West*, Fleet-street, London, and St. James's-walk, Clerkenwell, Middlesex, bookseller, Jan. 18 at 11, Court of Bankruptcy, London, aud. ac.—*T. Gadd*, New Fishbourne, Sussex, farmer, Jan. 18 at 11, Court of Bankruptcy, London, aud. ac.—*R. Forshaw*, Liverpool, machine maker, Jan. 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*G. Rusling*, Manchester, licensed victualler, Jan. 16 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*D. Scott*, Deansgate, Manchester, and Southport, Lancashire, pork butcher, Jan. 15 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*H. C. Welford*, Tewkesbury, Gloucestershire, corn factor, Jan. 18 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*B. Scriven*, Birmingham, builder, Feb. 19 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—*John Smith* and *Luke Ashby*, Great Coram-street, Brunswick-square, Middlesex, linendrapers, Jan. 29 at 12, Court of Bankruptcy, London, div.—*Rebecca Crichton* and *James Wm. Crichton*, High-street, Newington Butts, Surrey, upholsterers, Jan. 29 at 1, Court of Bankruptcy, London, fin. div. sep. est. of *Rebecca Crichton*.—*George B. Clapham*, Farringdon-street, London, licensed victualler, Jan. 30 at 1, Court of Bankruptcy, London, div.—*James Maynard*, Queen's-road West, Chelsea, Middlesex, butcher, Jan. 30 at 12, Court of Bankruptcy, London, div.—*Wm. H. Boufield*, Roughway, near Tunbridge, Kent, paper manufacturer, Jan. 26 at half-past 12, Court of Bankruptcy, London, div.—*Wm. F. Newton*, Dover-street, Piccadilly, Middlesex, milliner, Jan. 26 at 1, Court of Bankruptcy, London, div.—*Caleb Pizzie*, Noble-st., London, and Haverhill, Suffolk, carpet manufacturer, Jan. 26 at half-past 11, Court of Bankruptcy, London, div.—*B. Staples* the younger, Soham, Cambridgeshire, miller, Jan. 26 at 12, Court of Bankruptcy, London, div.—*John Thomas Jenkins*, Lewisham-road, Deptford, Kent, builder, Jan. 26 at 11, Court of Bankruptcy, London, div.—*W. H. Elkington*, King's Heath, Worcestershire, brickmaker, Jan. 15 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Jan. 29 at half-past 10, div.—*Emma S. Foulgham*, Burton Joyce, Nottinghamshire, braid manufacturer, Jan. 30 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*Wm. Fowler*, Abergavenny, Monmouthshire, grocer, Feb. 1 at 11, District Court of Bankruptcy, Bristol, div.—*Joseph Skafie*, Keighley,

Yorkshire, corn miller, Jan. 26 at 11, District Court of Bankruptcy, Leeds, div.—*James T. Wigney*, Huddersfield and Wakefield, Yorkshire, wine merchant, Jan. 26 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Joseph Hart*, High-st., Wapping, Middlesex, corn dealer, Jan. 26 at 11, Court of Bankruptcy, London.—*Anthony M. Todd*, Clement's-lane, Lombard-street, London, merchant, Jan. 29 at 1, Court of Bankruptcy, London.—*John Bennett*, Hart-street, Bloomsbury, Middlesex, artists' brush manufacturer, Jan. 29 at 2, Court of Bankruptcy, London.—*Edward Baker*, Newport, Monmouthshire, carrier, Feb. 2 at 11, District Court of Bankruptcy, Bristol.—*Charles Thomas*, Gloucester, stationer, Jan. 30 at 11, District Court of Bankruptcy, Bristol.—*Benjamin Scriven*, Birmingham, builder, Feb. 19 at 10, District Court of Bankruptcy, Birmingham.—*James Dyson*, Huddersfield, Yorkshire, draper, Jan. 26 at 11, District Court of Bankruptcy, Leeds.—*William Henry Barlow*, Leeds, Yorkshire, hatter, Jan. 26 at 11, District Court of Bankruptcy, Leeds.—*John Hawkins* and *Robert Needham*, Sheffield, Yorkshire, table-knife manufacturers, Jan. 27 at 12, District Court of Bankruptcy, Sheffield.—*Henry A. Rodgers*, Sheffield, Yorkshire, newsman, Jan. 27 at 12, District Court of Bankruptcy, Sheffield.—*John Whitaker Rowbottom*, Halifax, Yorkshire, boiler maker, Jan. 26 at 11, District Court of Bankruptcy, Leeds.—*Henry Wales*, Attercliffe, near Sheffield, Yorkshire, innkeeper, Jan. 27 at 12, District Court of Bankruptcy, Sheffield.—*Edward Elding*, Donington, Lincolnshire, linen-draper, Jan. 30 at 10, District Court of Bankruptcy, Nottingham.—*Wm. Holbrook*, Nottingham, joiner, Jan. 30 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Wm. Grimwood Still*, Wellclose-square, St. George's-in-the-East, Middlesex, glass merchant.—*Richard Dean*, Bath-street, London-road, Southwark, Surrey, builder.—*Geo. Fox*, Crombie-row, Commercial-road, Middlesex, clothier.

#### PARTNERSHIPS DISSOLVED.

*Thomas Hurrey Riches*, *Charles Woodbridge* the elder, and *Charles Woodbridge* the younger, Uxbridge, Middlesex, attorneys-at-law and solicitors.—*Thomas Avison* and *William Pratt*, Liverpool, attorneys and solicitors.—*Edward Leigh Pemberton* and *Geo. A. Crawley*, Whitehall-place, Middlesex, solicitors.—*Ebenezer Foster* and *Edmond Foster*, Cambridge, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Thomas Wilkie*, Bothwell, near Hamilton, joiner.—*Wm. Blackett*, Glasgow, coal merchant.—*Alex. Watson*, deceased, Auchinleck, Renfrewshire.—*John Robertson*, Morningside, Edinburgh, cattle dealer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Benjamin Wall*, Dudley, Worcestershire, moulder, Jan. 19 at 10, County Court of Worcestershire, at Dudley.—*James Parry*, Sedgley, Staffordshire, builder, Jan. 19 at 10, County Court of Worcestershire, at Dudley.—*W. Hickman*, Tipton, Staffordshire, out of employ, Jan. 19 at 10, County Court of Worcestershire, at Dudley.—*John Smith*, Bingley, Yorkshire, wool comber, Jan. 24 at 11, County Court of Yorkshire, at Keighley.—*James Meachin*, Llanelly, Carmarthenshire, shoemaker, Jan. 19 at 11, County Court of Carmarthenshire, at Llanelly.—*Thomas Churchyard*, Woodbridge, Suffolk, attorney-at-law, Jan. 26 at 2, County Court of Suffolk, at Woodbridge.—*John Barton Juler*, Lowestoft, Suffolk, ironfounder, Jan. 24 at 2, County Court of Suffolk, at Lowestoft.—*Edward Pettitt*, Stowmarket, Suffolk, clerk to a merchant, Jan. 27 at 12, County Court of Suffolk, at Stowmarket.—*D. Ostoby*, Kingston-upon-Hull, market gardener, Jan. 19 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Thos. Griffin*, Machynlleth, Montgomeryshire, land drainer, Jan. 30 at 11, County Court of Montgomeryshire, at Machynlleth.—*Wm. Anderton*, Micklethwaite, Bingley, Yorkshire, labourer, Jan. 24 at 11, County Court of Yorkshire, at Keighley.—*James Walher*, Salford, Lancashire, assistant to a provision dealer, Jan. 9 at 10, County Court of Lancashire, at Salford.—*Francis Jones*, Caverswall, Staffordshire, potter, Jan. 11 at 10, County

Court of Staffordshire, at Cheadle.—*George Smyth*, Ipswich, Suffolk, pastrycook, Jan. 19 at 9, County Court of Suffolk, at Ipswich.—*Samuel Woodcock*, Norwich, Norfolk, dealer in malt, Jan. 19 at 10, County Court of Norfolk, at Norwich.—*Alfred Warren Page*, Norwich, Norfolk, licensed victualler, Jan. 19 at 10, County Court of Norfolk, at Norwich.—*John Clements*, Norwich, Norfolk, attorney's clerk, Jan. 19 at 10, County Court of Norfolk, at Norwich Castle.—*Charles Lewis*, Bilston, Staffordshire, assistant to a publican, Jan. 23 at 10, County Court of Staffordshire, at Wolverhampton.

*The following Person, who, on his Petition filed in the Court, has obtained an Interim Order for Protection from Process, is required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 19 at 10, before the CHIEF COMMISSIONER.*

*Judah Pyke*, Old Suffolk-street, New-road, Mile-end Old-town, Middlesex, dealer in pictures.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 19 at 10, before the CHIEF COMMISSIONER.*

*George Washington Bristow*, Harbour-square, Commercial-road East, Stepney, Middlesex, gentleman.

*Jan. 19 at 10, before Mr. Commissioner MURPHY.*

*Edgar May*, Cowley-place, New-road, Commercial-road, Peckham, Surrey, out of business.

*Jan. 20 at 11, before Mr. Commissioner PHILLIPS.*

*John Neal*, New-road, St. George's-in-the-East, Middlesex, baker.—*Wm. Malam*, Blackfriars-road, Surrey, engineer.—*Frederick Colegate*, New Brompton, Kent, beer retailer.—*James Hedges*, Dorset-mews, Dorset-square, Marylebone, Middlesex, tailor.—*Robert Brown*, Ivy-cottage, Simpson's-buildings, Hammersmith, Middlesex, carpenter.—*J. Froggatt*, James-street, Bromley, Middlesex, butcher.

*Jan. 22 at 11, before Mr. Commissioner PHILLIPS.*

*Philemon Price Ward*, Drury-lane, Middlesex, coach ironmonger.—*Robert James Jones*, Albert-terrace, Ball's-pond-road, Islington, Middlesex, warehouseman.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, Jan. 19.*

*Henry James Marshall*, Kingston-upon-Hull, blacksmith.

*At the County Court of Norfolk, at NORWICH, Jan. 19.*

*Zaccheus English*, Sea Palling, tailor.—*William Harvey*, Great Yarmouth, fish curer.—*Sarah Pegg*, widow, Bodham.

*At the County Court of Glamorganshire, at CARDIFF, Jan. 19.*

*Wm. David*, Treboth, Llangavelach, copperman.—*Charles Swash*, Neath, shoemaker.

*At the County Court of Lancashire, at LANCASTER, Jan. 19 at 11.*

*Hugh Shawcroft*, Kirkdale, near Liverpool, labourer.—*Wm. Chadwick*, Manchester, out of business.—*John Dimelton Davies*, Manchester, grocer.—*John Robinson*, Manchester, grocer.—*Robert Woodall*, Pendleton, near Manchester, estate agent.—*Thos. Wilkinson*, Hulme, Manchester, stonemason.—*Wm. Alexander Alger*, Manchester, commission agent.—*Thomas Moore*, Salford, smallware manufacturer.—*William Wilde*, Stretford, near Manchester, out of business.—*Henry Southern*, Staleybridge, retail dealer in ale.—*John Shattock*, Tranmere, near Liverpool, attorney-at-law.—*Horatio Nelson Powell*, Liverpool, attorney-at-law.—*Thomas Armstrong Gordon*, Manchester, general agent.—*Wm. M. Millan*, Manchester, out of business.—*Edward Sharples*, Eccleshill, Over Darwen, near Blackburn, out of business.—*Francis Dickinson*, Adlington, near Chorley, grocer.

*At the County Court of Gloucestershire, at BRISTOL, Jan. 25 at half-past 10.*

*Robert Withers*, St. George, assistant to a horse dealer.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Horace Whayman*, High House, Sudbourne, near Woodbridge, Suffolk, assistant to a farmer: 2s. 5½d. in the pound.—*Wm. Peel*, Bradford, Yorkshire, painter: 1s. 3½d. in the

pound.—*Wm. Addison*, Middle Mall, Hammersmith, Middlesex, out of business: 1s. 4d. in the pound.—*H. Anthony*, Lisson-grove North, St. Marylebone, Middlesex, grocer: 1s. 2d. in the pound.—*Wm. Dawney*, Brighton, Sussex, out of employ: 11d. in the pound.—*George Mill*, Churton-street, Vauxhall-bridge-road, Middlesex, clerk to short-hand writers: 11d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn, London, between the hours of 11 and 3.*

## TUESDAY, JANUARY 9.

### BANKRUPTS.

**JAMES SEWELL**, Brackley, Northamptonshire, and Twyford-street, Caledonian-road, Islington, Middlesex, timber merchant and wheelwright, Jan. 18 at 11, and Feb. 22 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Clarke, 30, Great James-street, Bedford-row, Middlesex.—Petition filed Jan. 5.

**HENRY SIMONS**, Church-street, Woolwich, Kent, linen-draper, dealer and chapman, Jan. 19 at half-past 11, and Feb. 23 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Davidson & Bradbury, 22, Basinghall-street, London.—Petition filed Jan. 8.

**MEYER JACOBS**, Steward-street, Spitalfields, Middlesex, warehouseman and merchant, Jan. 23 at half-past 2, and Feb. 20 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed Jan. 8.

**JUAN OLIVER**, Daventry, Northamptonshire, ironmonger, dealer and chapman, Jan. 19 at half-past 2, and Feb. 20 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Hodgson, Birmingham; J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed Jan. 1.

**WILLIAM HALL**, Fordingbridge, Southampton, butcher, Jan. 19 at 11, and Feb. 20 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Davy, jun., Ringwood, Hampshire; Holme & Co., 10, New-inn, Strand, London.—Petition filed Jan. 4.

**JAMES WHITING FISHER** and **JAMES BASEY**, Norwich, cabinet makers and upholsterers, dealers and chapmen, Jan. 17 at 12, and March 3 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Miller & Co., Norwich; Sole & Co., 68, Aldermanbury, London.—Petition dated Dec. 19.

**WILLIAM BURRIDGE**, Stainsby-road, East India-road, Limehouse, Middlesex, builder, dealer, trader, and chapman, Jan. 19 at 11, and March 3 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Moss, 23, Moorgate-street, City.—Petition dated Jan. 5.

**JESSE SHAW**, Longton, Staffordshire, stationer, Jan. 22 and Feb. 12 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. W. & E. Clarke, Longton; Motteram & Knight, Birmingham.—Petition dated Jan. 6.

**EDWARD GOLDSMITH**, Nottingham, hatter, tailor, dealer and chapman, Jan. 23 and Feb. 13 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Bowley, Nottingham; Hodgson, Birmingham.—Petition dated Jan. 5.

**WILLIAM DAVEY**, Wellington, Somersetshire, baker, dealer and chapman, Jan. 16 and Feb. 15 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Terrell, Exeter.—Petition filed Jan. 5.

**JOHN DIXON**, Liverpool, cooper, dealer and chapman, Jan. 22 and Feb. 12 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Dodge, Liverpool.—Petition filed Jan. 4.

**JAMES AITKEN**, Liverpool, draper, Jan. 19 and Feb. 16 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Evans & Son, Liverpool.—Petition filed Dec. 27.

**JAMES HALL**, Manchester, commission agent, dealer and chapman, Jan. 26 and Feb. 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Atkinsons & Last, Manchester.—Petition filed Jan. 6.

**CHARLES DIXON**, Gateshead, Durham, draper, Jan. 17 at half-past 12, and Feb. 27 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Watson, Newcastle-upon-Tyne; Brook & Co., Huddersfield; Van Sandau & Cumming, 27, King-street, Cheapside, London.—Petition filed Dec. 29.

**JOSEPH HARRIMAN**, Loughborough, Leicestershire, hosier, dealer and chapman, Jan. 23 and Feb. 13 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Giles, Loughborough; Motteram & Knight, Birmingham.—Petition dated Jan. 2.

### MEETINGS.

*James Hammond*, Chancery-lane, London, furniture dealer, Jan. 23 at half-past 2, Court of Bankruptcy, London, last ex.—*James W. Woodbridge*, Martin's-lane, Cannon-street, London, shipowner, Jan. 24 at half-past 12, Court of Bankruptcy, London, last ex.—*Peter Cattell*, Long-acre, Middlesex, coach-maker, Jan. 23 at 2, Court of Bankruptcy, London, last ex.—*Robert Pledge*, Croydon, Surrey, grocer, Jan. 23 at half-past 12, Court of Bankruptcy, London, last ex.—*J. W. Cole*, Birch-in-lane, London, merchant, Jan. 26 at 11, Court of Bankruptcy, London, last ex.—*John S. Smith*, Liverpool, and Manchester, drysalter, Feb. 1 (and not Feb. 12, as before advertised) at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. K. Stock*, Manchester, manufacturer of cotton goods, Jan. 26 at 12, District Court of Bankruptcy, Manchester, last ex.—*P. Ormerod*, *George Heyworth*, *T. Heyworth*, *E. Bridge*, and *R. Crossley*, Egypt Mill, near Rawtenstall, Lancashire, cotton manufacturers, Feb. 15 at 12, District Court of Bankruptcy, Manchester, last ex. of *George Heyworth*.—*R. Robinson*, Manchester, provision dealer, Feb. 16 at 12, District Court of Bankruptcy, Manchester, last ex.—*W. Bentley*, Oldham, Lancashire, ironfounder, Feb. 8 at 12, District Court of Bankruptcy, Manchester, last ex.—*John M'Calla* and *Alexander Fotheringham*, Friday-street, Cheapside, London, warehousemen, Jan. 24 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Wade*, Northampton, leather seller, Jan. 24 at 1, Court of Bankruptcy, London, aud. ac.; Jan. 30 at 12, div.—*John Bennett*, Hart-street, Bloomsbury, Middlesex, artists' brush manufacturer, Jan. 29 at 2, Court of Bankruptcy, London, aud. ac.—*Abraham Coronel*, Great Alie-street, Goodman's-fields, Middlesex, cigar manufacturer, Jan. 29 at 12, Court of Bankruptcy, London, aud. ac.—*A. M. Todd*, Clement's-lane, Lombard-st., London, merchant, Jan. 29 at 1, Court of Bankruptcy, London, aud. ac.—*Wm. Turner*, Bow-lane, Cheapside, London, tailors' trimming seller, Jan. 30 at half-past 12, Court of Bankruptcy, London, aud. ac.—*John Willey*, High-st., Borough, Surrey, cabinet maker, Jan. 30 at 12, Court of Bankruptcy, London, aud. ac.—*Henry Bois*, Fenchurch-st., London, and Addiscombe-road, Croydon, Surrey, merchant, Jan. 23 at 12, Court of Bankruptcy, London, aud. ac.; Jan. 30 at 1, div.—*Francis H. Spanton*, Norwich, Norfolk, innkeeper, Jan. 25 at 1, Court of Bankruptcy, London, aud. ac.—*Harvey Meadows*, Warboys, Huntingdonshire, draper, Jan. 25 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas Cardwell*, Park-terrace, Hammersmith, Middlesex, plumber, Jan. 25 at half-past 11, Court of Bankruptcy, London, aud. ac.—*William Dunkley*, Daventry, Northamptonshire, grocer, Jan. 19 at 11, Court of Bankruptcy, London, aud. ac.—*Lydia Wood* and *Charles Henry Wood*, Willow-walk, Bermondsey, Surrey, carpenters, Jan. 19 at 1, Court of Bankruptcy, London, aud. ac.—*H. Lucking*, Corringham, Essex, grocer, Jan. 19 at 1, Court of Bankruptcy, London, aud. ac.—*Nathaniel Magnus* the younger, Fore-street, Cripplegate, London, shoe manufacturer, Jan. 20 at 2, Court of Bankruptcy, London, aud. ac.—*Henry T. Bayley*, Canterbury, Kent, linen-draper, Jan. 20 at 1, Court of Bankruptcy, London, aud. ac.—*John Barber*, Manchester, engraver to calico printers, Feb. 2 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Feb. 9 at 12, div.—*Charles Filton*, Newton-leath, near Manchester, joiner, Jan. 19 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Thomas Wigfall*, Sheffield, Yorkshire, table-knife manufacturer, Jan. 20 at 12, District Court of Bankruptcy, Sheffield, aud. ac.—*John Clay*, Wednesfield, Staffordshire, timber merchant, Jan. 25 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—*George H. Fourdrinier*, Shelton, Stoke-upon-Trent, Staffordshire, paper manufacturer, Jan. 25 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Thomas Howard*, Finsbury Wharf, City-road, Middlesex, lime merchant, Jan. 30 at 1, Court of Bankruptcy, London, div.—*Rebecca Crane*, Harrow-on-the-Hill, Middlesex, draper, Jan. 31 at 12, Court of Bankruptcy, London, div.—*T. Manson*, Lloyd's Coffee-house, Royal Exchange, London, underwriter, Jan. 27 at 1, Court of Bankruptcy, London, div.—*Henry Whitmore*, Stockport, Cheshire, tailor, Jan. 27 at half-past 12, Court of Bankruptcy, London, div.—*John Brown*, Win-

chester, Northamptonshire, carpenter, Jan. 27 at 2, Court of Bankruptcy, London, div.—*Sidney M. Hawkes*, Britten-st., Chelsea, Middlesex, brewer, Feb. 2 at 2, Court of Bankruptcy, London, div.—*Charles Staples* and *John Collyer*, Southampton, ship plumbers, Feb. 2 at half-past 1, Court of Bankruptcy, London, div.—*James Bishop*, Southampton, shoemaker, Feb. 2 at 1, Court of Bankruptcy, London, div.—*George Howes*, Mortimer-road, Kingsland, Middlesex, licensed victualler, Feb. 2 at 1, Court of Bankruptcy, London, div.—*Benedetto Bernasconi*, Red Lion-street, Clerkenwell, Middlesex, looking-glass frame manufacturer, Feb. 2 at 11, Court of Bankruptcy, London, div.—*Charles W. Woodworth*, Liverpool, licensed victualler, Feb. 1 at 11, District Court of Bankruptcy, Liverpool, div.—*Richard Battersby* and *James Telford*, Liverpool, ironfounders, Feb. 1 at 11, District Court of Bankruptcy, Liverpool, div. joint est., and div. sep. est. of *James Telford*.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Theophilus Bethell*, Riley-st., Bermondsey, Surrey, licensed victualler, Jan. 30 at 1, Court of Bankruptcy, London.—*Henry Billiter*, Robert-street, Grosvenor-square, Middlesex, leather seller, Jan. 31 at half-past 12, Court of Bankruptcy, London.—*Thomas Howard*, Finsbury Wharf, City-road, Middlesex, lime merchant, Jan. 30 at 1, Court of Bankruptcy, London.—*Peter Smith*, Bridport-place, Hoxton, Middlesex, licensed victualler, Jan. 31 at half-past 12, Court of Bankruptcy, London.—*Samuel Osler*, Grange-road, Bermondsey, Surrey, leather factor, Jan. 27 at 12, Court of Bankruptcy, London.—*Charles Lovell*, Wisbeach St. Peter, Cambridge-shire, shoe manufacturer, Jan. 30 at 11, Court of Bankruptcy, London.—*J. Willey*, High-street, Borough, Surrey, cabinet maker, Jan. 30 at 12, Court of Bankruptcy, London.—*Robert Adams*, Liverpool, merchant, Jan. 31 at 11, District Court of Bankruptcy, Liverpool.—*George Jones* and *Edmund Clegg*, Salford, Lancashire, ironfounders, Feb. 8 at 12, District Court of Bankruptcy, Manchester.—*George Longmore* and *James Longmore*, Manchester, provision merchants, Feb. 2 at 12, District Court of Bankruptcy, Manchester.—*Edward Jones*, Chester, timber merchant, Jan. 30 at 11, District Court of Bankruptcy, Liverpool.—*George Parry* the younger, Willenhall, Staffordshire, ironmonger, Feb. 8 at half-past 10, District Court of Bankruptcy, Birmingham.—*Samuel Craig*, Nuneaton, Warwickshire, grocer, Feb. 8 at half-past 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an appeal be duly entered.*

*Henry Cottman*, Sandgate, Kent, grocer.—*Wm. A. Meyer*, Dartford, Kent, licensed victualler.—*Frederick Wm. Wright*, Brighton, Sussex, chemist.—*Thomas A. Readwin*, Winchester-buildings, Great Winchester-st., London, dealer in shares.—*Charles Lord*, Fleet-street, London, tailor.—*John Humphrey*, Dorking, Surrey, butcher.—*Robert Brooks*, Blackburn and Blackpool, Lancashire, draper.—*William Houston*, Manchester, joiner.—*Joseph Ellis*, Ardwick, Manchester, joiner.

## PETITION DISMISSED.

*Charles Parker* and *Edwin Parker*, Northampton, boot and shoe manufacturers.

## PARTNERSHIPS DISSOLVED.

*John M. Cooper* and *Douglas Cooper*, Sunderland, Durham, attorneys and solicitors.—*Thomas J. Parker*, *Thomas Smith* the younger, and *Arnold Parker*, Sheffield, Yorkshire, attorneys and solicitors, (under the style or firm of *Parker, Smith, & Parker*).

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Henry Fellows*, West Cowes, Isle of Wight, Hampshire, carpenter, Jan. 31 at 10, County Court of Hampshire, at Newport.—*George Jenkins*, Wem, Shropshire, shoemaker, Jan. 22 at 12, County Court of Shropshire, at Wem.—*Robert Chilman*, Ipswich, Suffolk, shoemaker, Jan. 19 at 9, County Court of Suffolk, at Ipswich.—*S. White*, Southampton, baker, Jan. 23 at 10, County Court of Hampshire, at Southampton.—*Edwin Hobbs Simpson*, Southampton, cook, Jan. 23 at 10, County Court of Hampshire, at Southampton.—*John Hodge*, Landport, Portsea, Southampton, manufacturer of pickles, Jan. 24 at 11, County Court of Hampshire, at Portsmouth.—*Jes. Hackman*, Buckland, Portsea, Southampton, fellmonger,

Jan. 24 at 11, County Court of Hampshire, at Portsmouth.—*Charles Smith*, Winchester, Southampton, compositor, Jan. 25 at 11, County Court of Hampshire, at Winchester.—*Chas. Pipe*, Eye, Suffolk, innkeeper, Jan. 22 at 2, County Court of Suffolk, at Eye.—*E. J. Smythe*, Brandon, Suffolk, conveyancer, Jan. 30 at 11, County Court of Norfolk, at Thetford.—*John Shackleton*, Huddersfield, Yorkshire, joiner, Jan. 25 at 10, County Court of Yorkshire, at Huddersfield.—*Wm. Pitt Coope*, Knaresborough, Yorkshire, out of business, Jan. 19 at 10, County Court of Yorkshire, at Knaresborough.—*Charles Carlin*, Low Harrogate, Yorkshire, tailor, Jan. 19 at 10, County Court of Yorkshire, at Knaresborough.—*Robt. Williams*, Tymwdwal, Llanrhyddlad, Anglesea, stonemason, Jan. 23 at 10, County Court of Anglesea, at Llangefni.—*Clobery Silly Woolcock*, Charlestown, St. Austell, Cornwall, clerk, Feb. 8 at 10, County Court of Cornwall, at St. Austell.—*Edward Barton Rutley*, Ashford, Kent, clerk in the goods department of the South-eastern Railway Company, Jan. 15 at 10, County Court of Kent, at Ashford.—*Richard Hamper*, Ashford, Kent, licensed dealer in tea, Jan. 15 at 10, County Court of Kent, at Ashford.—*John Edward Mant*, Bognor, Sussex, baker, Jan. 17 at 11, County Court of Sussex, at Chichester.—*David Batchelor*, Brighton, Sussex, shoemaker, Jan. 13 at 10, County Court of Sussex, at Brighton.—*Fred. Reeves*, Brighton, Sussex, tobacconist, Jan. 13 at 10, County Court of Sussex, at Brighton.—*Elijah Sleep*, Devonport, Devonshire, timber dealer, March 29 at 11, County Court of Devonshire, at East Stonehouse.—*Frederick Taylor*, Banbury, Oxfordshire, builder, Jan. 23 at 12, County Court of Oxfordshire, at Banbury.—*John Stallard*, Bishops Cleeve, Gloucestershire, blacksmith, Feb. 5 at 10, County Court of Gloucestershire, at Winchcomb.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 23 at 10, before the CHIEF COMMISSIONER.*

*James Mitchell* the younger, Wardour-street, St. James's, Middlesex, greengrocer.—*Susannah Perry*, Tryons-place, Mare-street, Hackney, Middlesex.—*David L. Parker*, Dartmouth-street, Westminster, Middlesex, dealer in coals.—*Jas. Smith*, Bateman's-row, Curtain-road, Shoreditch, Middlesex, commission agent.

*March 1 at 11, before Mr. Commissioner PHILLIPS.*

*R. A. Snow*, Fellowes-street, Hackney-road, Middlesex, salesman's assistant.—*Wm. Protheroe*, Blakeney, Gloucestershire, out of employment.—*Samuel H. Tite*, Lawrence-street, Chelsea, Middlesex, grocer.—*Wm. Norton*, Williams-place, Walworth, Surrey, tailor.—*John Ekins*, Norris-st., Hoxton, Middlesex, milkman.—*Richard Newcombe*, First-st., Walton-street, Chelsea, Middlesex, chandler's-shop keeper.—*J. Plumley*, jun., Upper Sydenham, Kent, foreman to a stone merchant.—*Richard Randle*, Mill-street, Hanover-square, Middlesex, tailor.—*Ether Waterman*, widow, Edward-street, Hampstead-road, Middlesex, carpenter.—*James Marshall*, Copland-street, Lisson-grove, Middlesex, cab proprietor.

*Saturday, Jan. 6.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*John Thomas*, Pantycellin, Landilovain, Carmarthenshire, timber merchant's clerk, No. 50,955 C.; *James Nathaniel Morgan*, assignee.—*John Robson*, Bishop Auckland, Durham, railway sub-contractor, No. 78,850 C.; *John Harris*, assignee.—*J. Richardson*, Cambridge, butcher, No. 79,018 C.; *Thomas Wright* and *Simeon Mortlock*, assignees.—*William Ruddock*, Leeds, Yorkshire, tailor, No. 79,032 C.; *Benjamin Chambers*, assignee.—*Henry Brown*, Birmingham, out of business, No. 79,042 C.; *Charles Douglas*, assignee.—*Wm. Paine Fisher*, Dartford, Kent, apothecary, No. 79,049 C.; *John Webb*, assignee.—*Josiah Marriott*, Ipswich, Suffolk, not in any business, No. 79,108 C.; *Edwin Wilks*, assignee.—*William Browne*, Leytonstone, Essex, coach builder, No. 79,123 C.; *William York*, assignee.—*Richard Cartlisle*, Bolton-le-Moors, Lancashire, out of business, No. 79,126 C.; *Robert Simms*, assignee.



Saturday, Jan. 6.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*  
(On their own Petitions).

*George Ross Caldwell*, Charles-street, Westminster, Middlesex, sergeant in the 1st Royal Dragoons: in the Debtors Prison for London and Middlesex.—*Geo. Edward Williams*, Smith-street, Somers-town, Middlesex, attorney-at-law: in the Debtors Prison for London and Middlesex.—*T. Clarke*, Mare-street, Hackney, Middlesex, foreman to an engineer: in the Debtors Prison for London and Middlesex.—*George Isaac Cooke*, Maud's-place, Jubilee-street, Stepney, Middlesex, shopman to a grocer: in the Debtors Prison for London and Middlesex.—*Edgar W. Dow*, Albany-road, Camberwell, Surrey, out of business: in the Queen's Prison.—*Joseph Dunkley Gates*, Mount Pleasant, Brixton-hill, Surrey, ironmonger: in the Gaol of Surrey.—*Samuel Howard Billingsay*, Doddington-grove, Kennington, Surrey, auctioneer: in the Debtors Prison for London and Middlesex.—*A. Fleischer*, Trinity-square, Borough, Surrey, merchant: in the Debtors Prison for London and Middlesex.—*John W. Soar*, Eastbourne-mews, Westbourne-terrace, Middlesex, job master: in the Debtors Prison for London and Middlesex.—*Charles William Treagose Crause*, Woodside-villa, Woodside-green, Croydon, Surrey, out of business: in the Gaol of Surrey.—*James Barr*, Goldington-crescent, Old-road, St. Pancras, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Osman Giddy*, Belgrave-terrace, Pimlico, Middlesex, patentee of improvements in machinery for cleansing chimneys: in the Debtors Prison for London and Middlesex.—*Robert Paterson*, West-st., Walworth, Surrey, gardener at the Surrey Zoological Gardens: in the Gaol of Surrey.—*C. Allen Watson*, Gothic-cottage, Greenhithe, Kent, dealer in shares: in the Queen's Prison.—*Thomas Shariand Edwards*, Princess-st., Lisson-grove, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*John Langford*, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Armstrong Gordon*, Manchester, general agent: in the Gaol of Lancaster.—*Jas. Chadwick*, Blackburn, Lancashire, tailor: in the Gaol of Lancaster.—*Edward Sharples*, Eccleshill, Over Darwen, Lancashire, farmer: in the Gaol of Lancaster.—*Robert Rades*, Heaton Norris, near Manchester, out of business: in the Gaol of Lancaster.—*J. Seed Farnworth*, Lancaster, butcher: in the Gaol of Lancaster.—*Zaccheus English*, Sea Palling, Norfolk, tailor: in the Gaol of Norwich.—*Wm. Harvey*, Great Yarmouth, Norfolk, fish curer: in the Gaol of Norwich.—*Sarah Pegg*, widow, Bodham, Norfolk: in the Gaol of Norwich.—*Isaac Oates*, Gateshead, Durham, out of business: in the Gaol of Durham.—*Thomas Sharples*, Blackburn, Lancashire, licensed victualler: in the Gaol of Lancaster.—*William M'Millan*, Manchester, out of business: in the Gaol of Lancaster.—*F. Hutton*, Hockham, Norfolk, butcher: in the Gaol of Norwich.—*Francis Dickinson*, Adlington, near Chorley, Lancashire, grocer: in the Gaol of Lancaster.—*Horatio Nelson Powell*, Welbeck-street, Cavendish-square, Middlesex, attorney-at-law: in the Gaol of Lancaster.—*Henry Wheeler*, Brighton, Sussex, plasterer: in the Gaol of Lewes.—*H. Price*, Weston-super-Mare, Somersetshire, out of business: in the Gaol of Wilton.—*Harriot Havenhand*, Eckington, Derbyshire, sickle manufacturer: in the Gaol of Derby.—*Charles Grove*, Bromford, Warwickshire, out of business: in the Gaol of Warwick.—*John Longley*, Beeston-hill, Yorkshire, cloth manufacturer: in the Gaol of York.—*Thomas Morris*, Halifax, Yorkshire, joiner: in the Gaol of York.—*R. Myers*, Leeds, Yorkshire, beer-house keeper: in the Gaol of York.—*John Mills*, Hunslet Hall, near Leeds, Yorkshire, out of business: in the Gaol of York.—*George Balmforth*, Ripton, near Otley, Yorkshire, out of business: in the Gaol of York.—*Samuel Plant*, King-street, Yorkshire, out of business: in the Gaol of York.—*Joseph Thornton*, Wakefield, Yorkshire, tailor: in the Gaol of York.—*Wm. Steward*, Elland, near Halifax, Yorkshire, fruiterer: in the Gaol of York.—*Samuel Boys*, Pudsey, near Bradford, Yorkshire, labourer: in the Gaol of York.—*John Womersley*, Clayton, near Bradford, Yorkshire, quarryman: in the Gaol of York.—*James Loft-house*, Leeds, Yorkshire, licensed brewer: in the Gaol of York.—*Geo. Webster*, Leeds, Yorkshire, out of business: in the Gaol of York.—*William Rose*, Thirsk, Yorkshire, bricklayer's labourer: in the Gaol of York.—*Frederick Stephenson*, Bradford, Yorkshire, out of business: in the Gaol of

York.—*George Tyas*, Sheffield, Yorkshire, out of business: in the Gaol of York.—*Frederick Collier Rushworth*, Bradford, Yorkshire, out of business: in the Gaol of York.—*James Richard*, York, out of business: in the Gaol of York.—*J. Clayton*, Bradford, Yorkshire, warehouseman: in the Gaol of York.—*Wm. Pashley*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Samuel Womersley*, Southovram-bank, near Halifax, Yorkshire, provision dealer: in the Gaol of York.—*Joseph Poole*, Nottingham, baker: in the Gaol of Nottingham.—*John Lucas*, Molesworth, Huntingdonshire, tailor: in the Gaol of Huntingdon.—*Strach Hughes*, Tillingham, Essex, carpenter: in the Gaol of Springfield.—*John Brook*, Leeds, Yorkshire, out of business: in the Gaol of York.—*W. Hargreaves*, Bradford, Yorkshire, mechanic: in the Gaol of York.—*John Jackson* the younger, York, contractor: in the Gaol of York.—*Wm. Wallis* the younger, Dartmouth, Devonshire, baker: in the Gaol of St. Thomas-the-Apostle.—*Wm. Cotten*, East Teignmouth, Devonshire, horse clipper: in the Gaol of St. Thomas-the-Apostle.—*Robert Warr*, Loughton, near Stoney Stratford, Buckinghamshire, in no business: in the Gaol of Northampton.—*James Lay Hart*, Newton, Suffolk, out of business: in the Gaol of Bury St. Edmunds.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

Jan. 23 at 10, before the CHIEF COMMISSIONER.

*Louis Urban*, Banner-square, Banner-street, St. Luke's, Middlesex, cap maker.

Jan. 23 at 10, before Mr. Commissioner MURPHY.

*George Elson Wyatt*, Brick-street, Down-street, Piccadilly, Middlesex, carpenter.—*Hugh M'Anulty*, Towns-end, Kingston, Surrey, linendraper.—*Stephen Dann*, William-st., Regent's-park, Middlesex, out of business.

Jan. 24 at 10, before the CHIEF COMMISSIONER.

*John Draks Palmer*, New North-street, Red Lion-square, Holborn, Middlesex, inspector to the London Gas Company.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

At the County Court of Huntingdonshire, at HUNTINGDON, Jan. 25 at 12.

*John Lucas*, Molesworth, tailor.

At the County Court of Sussex, at LEWES, Jan. 23.

*Richard Dockerill*, Brighton, builder.—*Henry Wheeler*, Brighton.

At the County Court of Hampshire, at SOUTHAMPTON, Jan. 23 at 10.

*John Atwell*, Hardway, near Gosport, yeoman.—*William Robinson Bigden*, Southampton, hatter.

At the County Court of Montgomeryshire, at WELCHPOOL, Jan. 25.

*Edward Williams*, Cemmaes, general-shop keeper.

At the County Court of Wiltshire, at SALISBURY, Jan. 25.

*Henry Whalley*, Chittern All Saints, shopkeeper.

At the County Court of Hertfordshire, at HERTFORD, Jan. 25.

*Joseph Holtom*, North Mimms, wheelwright.

At the County Court of Hampshire, at WINCHESTER, Jan. 25.

*John Davies*, Andover, saddler.—*Henry James Whiteheart*, Landport, Portsea, builder.—*Henry Stone*, Brockhurst, stonemason.—*Edward Snow*, Southsea, near Portsmouth, brick-maker.

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**MESSRS. FAREBROTHER, CLARK, and LYE** will **SELL**, at Garraway's, on Wednesday, Jan. 24, at 12, in lots, by direction of the Executors of the late Francis Mills, Esq., a **LEASEHOLD ESTATE**, comprising the Marshall Keate Hotel, Tavern, and Tea Gardens, situate in Preston-road, High-street, Poplar, adjoining the Blackwall Railway, and facing the East and West India Docks; Five Shops, with Dwelling-houses, and 33 Private Residences of uniform elevation and construction, called Bistene-place, also situate in Preston-road. The whole of the property has been erected within these last 14 years, and is well built and finished. All now let (excepting one shop) to respectable tenants, producing a yearly income of 1250l. The above are held under lease from the East and West India Dock Company for 63 years from 1840, at moderate ground rents reserved on each house. May be viewed by permission of the respective tenants, and particulars had of B. F. Watson, Esq., solicitor, 36, Lincoln's-inn-fields; of Mr. Sudd, at the Marshall Keate Hotel; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

In Chancery.—"Spickernell v. Hotham and Others."—Oxfordshire, within five miles of the City of Oxford.—The Shotover Estate, comprising a capital Mansion, with beautiful Park and Pleasure Grounds, five compact Farms, sundry Cottages, and parcels of Accommodation and Allotment Land; the whole containing about 900 acres.

**MESSRS. FAREBROTHER, CLARK, and LYE** are directed to prepare for **SALE**, in the Spring, (unless previously disposed of by private contract), the above highly-valuable **FREEHOLD ESTATE**, of which a more detailed advertisement will shortly appear.

Lancaster-place, Strand.

**North Riding of Yorkshire**.—The Egton important and highly valuable Freehold Estate, intersected by the river Eke, and bounded in part by the Whitby and Pickering Railway, the villages of Egton and Egton-bridge, Water Corn-mill, Quarries, valuable Rights of Fishing for 20 miles, and Shooting, extending over (in addition to cultivated land) 6000 acres of moor, the entire estate embracing an area of nearly 15,000 acres.

**MESSRS. FAREBROTHER, CLARK, and LYE** respectfully inform the public that the above highly-valuable and important **FREEHOLD ESTATE** will be offered for **SALE by AUCTION** in the Spring, unless an acceptable offer is previously made by private contract.

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**SOUTHGATE and BARRETT** beg respectfully to call the attention of Executors, Trustees, Booksellers, and others having Literary Property to dispose of, to the importance of their being enabled to display an entire library, even should it extend to 20,000 volumes, in one large room at the same moment; thus affording their connexion and casual visitors an opportunity to make personal selections with the greatest facility, instead of depending on the description of the catalogue. Most centrally situate, near the two principal Inns of Court, within a few doors of the Middle Temple Gate, THE FACILITIES FOR THE DISPOSAL OF LAW LIBRARIES are undeniable, whilst the immediate vicinity of the largest West-end Bankers, and being in the main thoroughfare from the City to the Court end of town, enable them to obtain the attendance of more private buyers and collectors than could be induced to visit less public premises. Books, Prints, Pictures, and, in fact, all sorts of property connected with Literature and the Fine Arts, in large or small parcels, may be transmitted to Southgate and Barrett's Rooms, and if intended for immediate sale, an advance of two-thirds of the value will be made to meet the convenience of Executors, Trustees, or others.

Auction Rooms, 22, Fleet-street, London.

**PERIODICAL SALE OF SHARES in the INSURANCE OFFICES** connected with the **LEGAL PROFESSION**.—Messrs. **HAMMOND & EILOART** invite these gentlemen desirous of disposing of their Shares, or of becoming Shareholders in any of the Legal Offices, to forward their wishes to their Offices, No. 28, Chancery-lane, where constant applications are made for all description of Shares.

Printed by **HENRY HANSARD**, at his Printing Office, in Parker Street, in the Parish of St. Giles-in-the-Fields, in the County of Middlesex; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by **HENRY SWEET**, residing at No. 34, Porchester Terrace, Bayswater, in the County of Middlesex.—Saturday, January 13, 1855.

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## THE JURIST.

LONDON, JANUARY 20, 1855.

IN *Wentman v. Ash* (17 Jur., part 1, p. 579; 22 L. J., C. P., 190) the Court of Common Pleas decided that an action is maintainable for sending a letter to a married woman containing a libel upon her husband. It was sought in vain to put the case in the same category with those, in which it had been held that sending a libel to the plaintiff himself was no publication. The Court disregarded the old fiction of unity of person, “quia sunt due anime in carne una,” and Maule, J., said, “As to the argument, that in the eye of the law husband and wife are but one person, that is not so for all purposes. If a man kills his wife he commits murder, not suicide.” In a more recent case\*, in the same court, the question has been raised, whether a man is liable to an action for sending to his wife a letter containing a libel on a third person, it being shewn that he was at the time actuated by express malice against such third person. Although the parties have come to an arrangement without any judicial decision upon the point, it involves considerations of sufficient interest for us to discuss it in our pages.

There is no doubt that communications between husband and wife belong to the highest class of privileged communications, and as such they have been excepted by the recent statute (16 & 17 Vict. c. 83, s. 3) from the testimony which husband and wife may be compelled to give against each other. The sacred character attached to words and letters which pass be-

tween persons filling this relation does not rest on any refinement or fiction of the common or canon law, but upon grounds of public policy, for the sake of domestic confidence, peace, and happiness. It differs from the privilege accorded to other communications, which are dependent upon the particular occasion on which they are made: this is independent of all occasions; it arises out of a permanent relationship, and is co-extensive with it—nay, extends beyond it; for not even after the husband's death can anything be extracted from the bosom of the wife which has been confided there by him\*. The privilege is unlimited, unqualified, and may well be subject to incidents different from those which prevail with regard to ordinary privileged communications. The latter may, no doubt, be rebutted and neutralised. The protection cast around the occasion which justified the communication is removed as soon as actual malice is shewn to have instigated the party making it. There is no inconvenience, no injustice, no aggression on public policy by the adoption of this rule. But how different is the case when the conversation of the home, in the moments of unrestrained confidence, of relaxation, of “castled security,” is to be divulged in a public court, perhaps by a servant who heard the words; and all this would be done before the question of malice or no malice could be entertained. There are surely cogent reasons for not allowing this privilege to be affected even by malice itself—not for the sake of protecting malice, but of preventing investigations, the possibility of which would be a great public evil, outweighing a

\* See *Monroe v. Twissleton*, (Peake's Ev., App., xxxix); *O'Connor v. Marjoribanks*, (4 Man. & G. 444, per Tindal, C. J.); and *Stein v. Bowman*, (13 Peters, 223, Amer. Rep.)

\* *Lefroy v. Cridland*, (Hil. T., 1855).

regard for the private injury that may have been inflicted. In *O'Connor v. Marjoribanks* (4 Man. & G. 445) it was held that a widow was not admissible as a witness to shew that she pledged goods by her husband's authority, in an action brought by his executors to recover the goods; and Maule, J., there (p. 445) uses words illustrative of the present question—"The text-books generally give, as the reason for the rule as to excluding the testimony of husband or wife, the necessity of preserving the confidence of the conjugal relation; and that may be so. But it by no means follows that the rule is co-extensive with the reason given in support of it; and indeed it would be very inconvenient if it were so, as the question would frequently be raised as to whether or not some particular communication or fact occurring between husband and wife was of a confidential character, which would give rise to endless embarrassment and distrust."

It would not be an anomalous case were this rule to be adopted, as we believe, when the point again arises, it will be, to the full extent for which we are contending.

There are other instances of communications being so highly privileged, upon principles of public policy, as not to be affected by the presence of malice. Thus, for libels published or slander uttered in the due course of parliamentary or judicial proceedings, no action of libel or slander can be maintained, whatever may have been the malice of the defaming party. (See *Lord Beauchamps v. Sir Richard Croft*, Dy. 285 a; *Astley v. Younge*, 2 Burr. 807; *Anfield v. Feverhill*, 2 Bulst. 269; Roll. Ab. 87, pl. 4; 1 Stark. Libel, 246, note (u); and *Stockdale v. Hansard*, 9 Ad. & El. 1).

#### NOTES OF THE WEEK.

The Court of Queen's Bench (Jan. 13) discharged the rule for a criminal information obtained against Mr. Marshall, the judge of the Yorkshire County Court, for refusing to allow Mr. Shaw, a barrister, to practise before him, but discharged it without costs, and on the ground that Mr. Shaw had made a previous application in the matter to the Lord Chancellor.

In the case of *Gibson v. Sturge*, in the Court of Exchequer, (Jan. 13), it appeared that wheat, which had been shipped at Odessa, had become swollen by reason of moisture during the voyage, whereby it measured a greater number of quarters at the port of delivery than at the shipping port. The Court (Martin, B., dissentiente) held, that in the absence of any contract to the contrary, freight was payable on the quantity shipped, and not on the quantity delivered.

In *Gore v. Bowser*, Sir J. Stuart, V. C., has held (Jan. 15) that an equitable interest in leasehold property may be reached under a fi. fa. issued upon a judgment which had not been registered in pursuance of the 1 & 2 Vict. c. 110\*.

The practice adopted during the Nisi Prius Sittings in this term is to allow execution in undefended causes to issue in four (instead of fourteen) days, when the

plaintiff's counsel applies for it. Immediate execution will be granted only on production of a sufficient affidavit for that purpose.

At a meeting of the Law Amendment Society, (Jan. 15), a paper was read by Mr. Woolrych, recommending the extension of the summary jurisdiction of magistrates to all cases of petty larceny.

At a meeting of the Statistical Society, (Jan. 15), Dr. Waddilove read a paper upon the Law of Blockade.

Mr. W. S. Lindsay, M.P., addressing a meeting at Tynemouth on the 11th January, observed that the form of the charterparty still used in England was verbatim the same as in the days of the Dutch war and Lord Camperdown; but the French adopted a simple form, like that used in the merchant service, and were in this respect greatly in advance of us.

Fifteen of the sixty county court judges have had their salaries raised to the maximum, 1500*l.*, instead of the minimum, 1200*l.* per annum.

#### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—In your leading article in last Saturday's *JURIST* (18 *Jur.*, part 2, p. 521) you notice the act of the 27 Hen. 6, c. 5, prohibiting the holding of fairs on Sundays, "*the four Sundays in harvest except.*"

I infer, from the omission of all notice of it, that you have overlooked a recent act repealing the exception, and take the liberty of directing your attention to it.

The act I refer to is the 13 Vict. c. 23, which, after reciting the 27 Hen. 6, c. 5, enacts, "that the exception of the four Sundays in harvest contained in the said act shall be repealed, and the said act shall be construed as if such exception were not inserted therein."

I am, Sir,

Your obedient servant,

ARTHUR JOHN WOOD.

4, New-square, Lincoln's-inn,

Jan. 10, 1855.

[We are much obliged to our correspondent for calling our attention to the above statute, which we had overlooked.—Ed.]

#### PHOTOGRAPHY A CRIMINAL DETECTOR.

TO THE EDITOR OF "THE JURIST."

SIR,—The importance of applying the discoveries of science to the detection of criminals, and the prevention of future crime, will be sufficient excuse for my troubling you with the inclosed extract from the *Glasgow Daily Mail*, which will form an appropriate "rider" to the paragraph which appeared upon this subject in your last week's paper. The former mode of "taking a prisoner's likeness" was, on his admission, to place him in an ante-room, and for all the officers of the gaol to pass by him—a dismal train, like the ghosts that appeared before Macbeth—until they had become acquainted with his personal lineaments. But such a likeness was not transmissible from prison to prison. The doers of dark deeds will hate the light more than ever, when it not only discloses their present actions, but throws its full glare upon their antecedent history. The extract is as follows:—

"We lately called attention to the circumstance, that Captain Smart, the superintendent of police in Glasgow, contemplated the introduction of a system of taking the portraits of the thieves and vagabonds who passed through his hands, by the photographic process, for the purpose of facilitating their detection and of

\* See 1 Chit. Arch. Prac. 579.

bringing them to justice, in the event of their removing to other localities. We were then shewn an earnest of that gentleman's intentions in a very authentic likeness of an old Welsh beggar, who had been picked up for sorning. Since that period, however, the subject has been in abeyance. From the first we saw it was beset with difficulties, but we hesitated not to say that these would disappear before the progress of the art, and that photography would eventually be turned to good account in detecting and repressing crime. A short time ago an Edinburgh contemporary very clearly pointed out the change which crime had assumed since the introduction of railroads and steamers. It had become much more migratory and peripatetic in its character. New classes of thieves had sprung up, designed to suit the changed habits of the people, on the plunder of whom they existed. One class continuously travelled by steamer, while another was closely attached to railway stations. These never confined their operations to one part of the country for any length of time, but were continually changing their habitats to avoid detection. Our contemporary proposed to meet this growing and dangerous evil by establishing a national police, to be composed of men who, without assuming any distinctive uniform by which they could be recognised as police detectives, might travel anywhere and everywhere over the great channels of conveyance throughout the country, and who would make it their study to dodge, hunt down, and bring to justice those migratory professional thieves. The scheme is plausible, and well fitted to root out the evil; but it is nevertheless yet far distant, for it could only be introduced by a considerable change in the present police machinery of the country, which we see no early prospect of obtaining. As an approximation to this system, however, the photographic plan offers great advantages, in illustration of which we might give a case which occurred last week, where a young man and woman were convicted before one of our police courts of shoplifting, and sent for sixty days to prison. The offence was a grave one, and the award was the extreme limit the magistrate could give. The prisoners were total strangers to the police. One gentleman, however, connected with the detective force, perhaps from motives of curiosity, communicated a minute description of them to the Dublin police, suspecting from the accent of the prisoners that they came from that city. The result proved that the man had been no less than eighteen times in prison in Dublin, twelve of these for thefts, and the woman six times in prison for the same offence; in short, that they were professional thieves, who had just changed the scene of their predations from Dublin to Glasgow. Had this been known before their case was disposed of, they could have been dealt with as habit and reputed thieves; but under the present system they may pass on from one locality to another, running the course of the petty courts, and being treated as persons brought up for the first time, instead of being transferred to the highest criminal court in the country, and disposed of in terms of their deserts. Now, the said photography would give in discovering the real character of such offenders will be at once apparent. A mutual interchange of portraits of noted thieves would form a most valuable and interesting pertinent of the police establishment of a great city."

I am, Sir, yours &c.,

A. 1.

Jan. 15, 1855.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Edward Brown Fiske, of Beccles, Suffolk, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Suffolk.

## To Correspondents.

WE have received several letters from esteemed correspondents upon the subject of the alterations which we have adopted with regard to the form of THE JURIST. While in the main approving of them, they advise us "*stare super antiquas vias*" with reference to the Table of Cases at the commencement of each number. We should be happy to comply with this suggestion, but the space required for advertisements precludes the possibility of our doing so; we have, however, made the Index, as will be seen, more distinctive than in our last number.

In future the outer pages, containing the advertisements, will not be paged, and the number of THE JURIST will be placed at the foot of the first page of the Reports.

We are much obliged to those gentlemen who have favoured us with their suggestions, which we shall at all times be happy to receive.

## REGULÆ GENERALES.

### ORDERS IN LUNACY.—Jan. 12, 1855.

I, ROBERT MONSEY BAYON CRANWORTH, Lord High Chancellor of Great Britain, intrusted, by virtue of her Majesty the Queen's sign-manual, with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, do, with the advice and assistance of the Right Hon. Sir JAMES LEWIS KNIGHT BRUCE and the Right Hon. Sir GEORGE JAMES TURNER, the Lords Justices of the Court of Appeal in Chancery, also being intrusted as aforesaid, and by virtue and in exercise of the powers or authorities in this behalf vested in me by the Lunacy Regulation Act, 1853, and of every other power or authority in anywise enabling me in this behalf, order as follows:—

I. That the Masters in Lunacy do from time to time furnish the visitors of lunatics with abstracts of their reports as to the fortune, income, and maintenance of each lunatic, and of the orders confirming such reports, and inform the said visitors of any increase which may have accrued in the fortune of, and of any change which may have been made in the allowance or scheme for the maintenance of, any lunatic, so that at all times the said visitors may be fully acquainted with the amount of the fortune and income of every lunatic, and with the scheme approved and the allowance made for his maintenance.

II. That the medical visitors of lunatics do, on each occasion of visiting any lunatic, inquire and examine whether such lunatic is maintained in a suitable and proper manner, having regard to the then existing amount of the allowance ordered to be paid, and the then existing scheme approved of, for the maintenance of such lunatic; and also whether, having regard to the then fortune and income of such lunatic, it appears expedient that any and what addition should be made to his comforts, or any and what alterations should be made in the scheme for or manner of his maintenance.

III. That if the said visitors shall on such inquiry and examination consider that the lunatic is not maintained in such suitable and proper manner as is aforesaid; or that the allowance provided for his maintenance is not duly applied; or that any provision in the scheme for his maintenance, either for his personal comfort or enjoyment or otherwise, is not duly observed; or that any addition to the comforts, or any alteration in the manner of the maintenance, of the lunatic should be made, which his then fortune or income is capable of providing, they shall forthwith make a special report,

stating such their opinion, and the grounds thereof, to the board of visitors.

IV. That the board of visitors shall proceed to consider such report of the medical visitors at their next meeting, and shall, if they think fit, refer the same to the Masters in Lunacy, or take such other steps thereon as may appear to them to be expedient.

V. That the Masters in Lunacy shall, on any such report as aforesaid being referred to them by the board of visitors, proceed to investigate the matters thereby reported upon, and may, if they deem it expedient, summon the committee of the person or estate to attend before them to give explanations thereon; and the said Masters shall then make such report, if any, on the said matters to the Lord Chancellor, as the said Masters may deem proper.

VI. That the medical visitors do, in the annual report made by them to the Lord Chancellor in the case of each lunatic, pursuant to the Lunacy Regulation Act, state the result of the examination and inquiry as to the maintenance of each lunatic to be made by them pursuant to the foregoing order; and do also, in any case in which they shall have made any special report to the board of visitors pursuant to the above order, state, so far as they may be able, what steps have been taken in consequence of such special report.

CRANWORTH, C.  
J. L. KNIGHT BRUCE, L. J.  
G. J. TURNER, L. J.

#### ORDER OF COURT.—Jan. 13, 1855.

The Right Hon. ROBERT MONSEY Lord CRANWORTH, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Hon. Sir JOHN ROMILLY, Master of the Rolls, the Right Hon. the Lord Justice Sir JAMES LEWIS KNIGHT BRUCE, the Right Hon. the Lord Justice Sir GEORGE JAMES TURNER, the Hon. the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, the Hon. the Vice-Chancellor Sir JOHN STUART, and the Hon. the Vice-Chancellor Sir WILLIAM PAGE WOOD, doth hereby, in pursuance and execution of the powers of an act of Parliament passed in the fifteenth and sixteenth years of the reign of her present Majesty, intituled "An Act to amend the Practice and Course of Proceeding in the High Court of Chancery," and of all other powers enabling him in that behalf, order and direct that all and every the rules, orders, and directions hereinafter set forth shall henceforth be, and for all purposes be deemed and taken to be, General Rules and Orders of the High Court of Chancery, viz.:

#### *Introductory.*

I. The course of proceeding prescribed by the 15 & 16 Vict. c. 86, and the General Order of the 7th day of August, 1852, with respect to the mode of examining witnesses, and the practice of the Court in relation thereto, are altered in the manner and to the extent prescribed by these Orders, but not further or otherwise.

II. The Orders numbered respectively 31, 32, and 33, comprised in the General Order of the 7th day of August, 1852, and all other Orders and parts of Orders, so far as such other Orders and parts of Orders are inconsistent with these Orders, but not further or otherwise, are hereby abrogated and discharged.

III. All former Orders and parts of Orders, not specified in Order 2, so far as the same are now in force, and consistent with these Orders, are to remain in full force and effect.

#### *Evidence.*

IV. It shall not be competent for the plaintiff or any defendant to require, by notice or otherwise, that

the evidence to be adduced in a cause shall be taken orally; but when issue shall have been joined in any cause the plaintiff and defendant respectively shall be at liberty to verify their respective cases, either wholly or partially by affidavit, or wholly or partially by the oral examination of witnesses, before one of the examiners of the Court, or before an examiner to be specially appointed by the Court.

V. The evidence on both sides in any cause, to be used at the hearing thereof, whether taken upon affidavit or orally, (and including the cross-examination and re-examination of any witness or witnesses), is to be closed within eight weeks after issue joined therein, except that any witness, who has made an affidavit intended to be used by any party to such cause at the hearing thereof, shall be subject to cross-examination within one month after the expiration of such period of eight weeks.

VI. No affidavit or deposition filed or made before issue joined in any cause shall, without special leave of the Court, be received at the hearing thereof, unless within one month after issue joined, or within such longer time as may be allowed by special leave of the Court, notice in writing shall have been given by the party intending to use the same, to the opposite party, of his intention in that behalf.

VII. In suits in which issue shall have been joined when these Orders take effect, the evidence to be used at the hearing of the cause shall be taken according to the present practice of the Court, unless the parties shall consent, or the Court shall order, that the same shall be taken in the altered mode prescribed by these Orders.

#### *Affidavits.*

VIII. All affidavits, whether to be used at the hearing of a cause, or on any other proceeding before the Court, are to state distinctly what facts or circumstances deposed to are within the deponent's own knowledge, and his means of knowledge, and what parts or circumstances deposed to are known to or believed by him by reason of information derived from other sources than his own knowledge, and what such sources are.

IX. The costs of affidavits not in conformity with the preceding Order are to be disallowed on taxation, unless the Court should otherwise direct.

X. These Orders shall be deemed to apply as nearly as may be to evidence taken after the hearing of a cause, as well as to evidence taken previously, and with a view to such hearing.

XI. These Orders shall take effect on and after the 21st day of January, 1855.

CRANWORTH, C.  
JOHN ROMILLY, M. R.  
J. L. KNIGHT BRUCE, L. J.  
G. J. TURNER, L. J.  
RICHARD T. KINDERSLEY, V. C.  
JOHN STUART, V. C.  
WILLIAM PAGE WOOD, V. C.

#### PUBLIC EXAMINATION OF STUDENTS.

At the public examination of the Students of the Inns of Court, held at Lincoln's Inn Hall, on the 8th, 9th, and 10th January, 1855, the Council of Legal Education awarded to—

Thomas Dunbar Ingram, Esq., student of Lincoln's Inn, a studentship of 50 guineas per annum, to continue for a period of three years.

John Simmonds, Esq., student of the Inner Temple, a certificate of honour of the first class.

J. W. Branson, Esq., student of the Middle Temple;

Boyd Kinnear, Esq., student of the Inner Temple; R. A. Pritchard, Esq., student of the Inner Temple; Robert Mackenzie, Esq., student of the Middle Temple; Adolphus J. D'Allain, Esq., student of Gray's Inn; Edward Henry Lovell, Esq., student of the Middle Temple; and Joseph Park, Esq., student of the Middle Temple, certificates that they have satisfactorily passed a public examination.

By order of the Council,  
(Signed) RICHARD BETHELL, Chairman.

Council Chamber, Lincoln's Inn,  
Jan. 16, 1855.

### COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

*To be Commissioners in England.*

John Houchen the younger, of Thetford, Norfolk.  
George Nieholls Simmons, of Truro, Cornwall.

### London Gazette.

FRIDAY, JANUARY 12.

#### BANKRUPTS.

ISAAC UNWIN, Poland-street, Oxford-street, Middlesex, builder, Jan. 23 at half-past 1, and Feb. 22 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Chidley, Gresham-street, London.—Fiat dated Jan. 11.

HENRY ELGAR, Ashford, Kent, grocer, tea dealer, dealer in provisions and British wines, and coal merchant, dealer and chapman, Jan. 23 at half-past 12, and Feb. 22 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Nichols & Clarke, Cooke's-court, Carey-street, Lincoln's-inn.—Petition filed Jan. 10.

JEREMIAH COX, St. George's-square, Pimlico, Middlesex, builder, Jan. 19 and Feb. 20 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Mayhew & Salmon, 30, Great George-street, Westminster.—Petition filed Jan. 6.

JAMES WHITING FISHER and JAMES BASEY, Norwich, cabinet makers and upholsterers, dealers and chapmen, Jan. 17 at 12, and March 3 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson, (and *not* Pennell, as before advertised); Sols. Miller & Co., Norwich; Sole & Co., 68, Aldermanbury, London.—Petition dated Dec. 19.

JOSIAH TILLET, Colchester, Essex, plumber, Jan. 24 and March 7 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Abell & Jones, Colchester, and 8, Rodney-terrace, Horseferry-road, Westminster, Middlesex.—Petition dated Jan. 9.

JOHN MACKNESS, Stratford, West Ham, Essex, baker, Jan. 25 and Feb. 27 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Hilleary, 5, Fenchurch-buildings, Fenchurch-street, London.—Petition filed Jan. 9.

WILLIAM BOND, Drury-lane, Middlesex, licensed victualler, dealer and chapman, Jan. 24 at 1, and March 7 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Wilson, 16, Gresham-street, London.—Petition dated Jan. 9.

HENRY QUARTERMAN, Oxford, carpenter and builder, Jan. 23 at half-past 11, and Feb. 21 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Holmes, Oxford, and 25, Great James-street, Bedford-row, London.—Petition filed Jan. 8.

JOHN CASEY, Blackburn, Lancashire, builder, dealer and chapman, Jan. 25 and Feb. 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Etty, Liverpool.—Petition filed Jan. 2.

JOHN MARKE, Duke-street, Manchester-square, Middlesex, butcher and horse dealer, Jan. 20 at 12, and Feb. 20 at half-past 11, Court of Bankruptcy, London: Off. Ass. Stanfeld; Sol. Page, 71, Mark-lane, London.—Petition filed Jan. 6.

JAMES TILLING, Hyde, Edgeware-road, and Earl-street, Lisson-grove, Middlesex, farmer and dairyman, Jan. 22 at 12, and Feb. 23 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Hall, 28, Moorgate-street, London.—Petition filed Jan. 9.

FREDERICK NOAKE BAKER, Southampton, timber merchant, dealer and chapman, Jan. 22 at 1, and Feb. 23 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Coxwell & Bassett, Southampton; Westall, 3, South-square, Gray's-inn, London.—Petition filed Jan. 11.

#### MEETINGS.

*John N. Dathan*, Manchester, ironmonger, Feb. 3 at 12, District Court of Bankruptcy, Sheffield, pr. d.—*J. Brown*, Winchester, Southampton, carpenter, Jan. 24 at 2, Court of Bankruptcy, London, aud. ac.—*William Henry Boufield*, Roughway, near Tunbridge, Kent, paper manufacturer, Jan. 25 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Charles Lord*, Fleet-street, London, tailor, Jan. 25 at 11, Court of Bankruptcy, London, aud. ac.—*John J. Whiting*, Cambridge, apothecary, Jan. 25 at 12, Court of Bankruptcy, London, aud. ac.—*Caleb Pizzie*, Noble-street, London, and Haverhill, Suffolk, carpet manufacturer, Jan. 25 at 11, Court of Bankruptcy, London, aud. ac.—*E. Staples* the younger, Soham, Cambridgeshire, miller, Jan. 25 at 11, Court of Bankruptcy, London, aud. ac.—*James Rogers*, Orchard-st., Harrow-road, Paddington, Middlesex, mason, Jan. 25 at half-past 11, Court of Bankruptcy, London, aud. ac.—*James Nesbitt*, Albion-place, Blackfriars-bridge, Surrey, manufacturer of mantles, Jan. 25 at 12, Court of Bankruptcy, London, aud. ac.—*John D. Neill* and *Henry Sanderson*, Liverpool, ship brokers, Jan. 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac. sep. est. of *Henry Sanderson*.—*Samuel J. Bird*, Weston, near Bath, Somersetshire, brewer, Feb. 1 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Feb. 15 at 11, div.—*Wm. Hooper*, Bristol, cabinet maker, Feb. 15 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*George Kyrke*, Bryn Malley, Wrexham, Denbighshire, lime burner, Jan. 22 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*John Dumble*, Sunderland, Durham, commission agent, Jan. 23 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Edward Cragg*, Kendal, Westmoreland, innkeeper, Jan. 23 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Robert C. Wilson*, Seaham Harbour, Durham, earthenware manufacturer, Jan. 24 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Ralph Hutchinson*, Monkwearmouth Shore, Durham, ship builder, Jan. 23 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Joseph Skaise*, Keighley, Yorkshire, corn miller, Jan. 25 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*James T. Wigney*, Huddersfield and Wakefield, Yorkshire, wine merchant, Jan. 25 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Benjamin Lamplough*, Doncaster, Yorkshire, woollendrapery, Feb. 3 at 12, District Court of Bankruptcy, Sheffield, aud. ac. and div.—*John Summarsell*, Little York-place, St. Marylebone, Middlesex, carpenter, Feb. 3 at 12, Court of Bankruptcy, London, div.—*John T. Jenkins*, Lewisham-road, Deptford, Kent, builder, Jan. 25 at 11, Court of Bankruptcy, London, aud. ac.—*J. Kyrke*, Glascoed, Denbighshire, lime burner, Jan. 22 at 11, District Court of Bankruptcy, Bristol, aud. ac.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Robert Doak*, Hanover-place, Kew, Surrey, draper, Feb. 1 at half-past 11, Court of Bankruptcy, London.—*W. Paxon*, Queen's-road, Baywater, Middlesex, corn dealer, Feb. 2 at half-past 11, Court of Bankruptcy, London.—*John Fell* and *John Learoyd*, Huddersfield, Yorkshire, woollen manufacturers, Feb. 23 at 11, District Court of Bankruptcy, Leeds.—*Joseph Ellis*, Bishopthorpe, Yorkshire, farmer, Feb. 5 at 11, District Court of Bankruptcy, Leeds.—*James Bach*, Ludlow, Shropshire, auctioneer, Feb. 5 at 10, District Court of Bankruptcy, Birmingham.



*To be granted, unless an Appeal be duly entered.*

*Wm. Tyson*, High-street, Marylebone, Middlesex, butcher.—*A. W. Pocock*, Old Jewry, London, coffee-house keeper.—*Stephen Harris*, Kingston-upon-Thames, Surrey, ironmonger.—*Wm. Milton*, Southborough, Tunbridge, Kent, miller.—*T. Lightfoot*, Stockport, Cheshire, grocer.—*Wm. Clark*, Bradford, Yorkshire, tailor.—*James Taylor*, Ovenden, near Halifax, Yorkshire, worsted spinner.—*R. Gay*, Leeds, Yorkshire, ware grinder.—*James Ratcliff*, Nottingham, hosier.—*Oliver Appleton*, Leicester, trimmer.—*Charles Leake*, Crowland, Lincolnshire, grocer.

#### FIAT ANNULLED.

*Geo. Simcox Yates-Bricknell*, Cheltenham, Gloucestershire, coach proprietor.

#### PARTNERSHIPS DISSOLVED.

*Edward Augustus Hilder* and *Geo. Mathews Arnold*, Milton-next-Gravesend, Kent, attorneys and solicitors.—*John Glyde* the younger and *William Glyde*, Yeovil, Somersetshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Alexander Wark Murphy*, Glasgow, lithographer.—*John Anderson*, Edinburgh, grocer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Richard Darley*, Claverly, Shropshire, in no business, Jan. 18 at 10, County Court of Shropshire, at Bridgnorth.—*John Barge*, High Wycombe, Buckinghamshire, farmer, Jan. 16 at 11, County Court of Buckinghamshire, at High Wycombe.—*Joseph Parslow*, Little Marlow, Buckinghamshire, grocer, Jan. 16 at 11, County Court of Buckinghamshire, at High Wycombe.—*James Robinson*, Stockport, Cheshire, cotton manufacturer, Jan. 19 at 12, County Court of Cheshire, at Stockport.—*Thomas G. Southall*, West Bromwich, Staffordshire, out of business, Jan. 27 at 10, County Court of Staffordshire, at Oldbury.—*W. Mason*, Harborne, Staffordshire, blacksmith, Jan. 27 at 10, County Court of Staffordshire, at Oldbury.—*George Cowley*, Madeley, Shropshire, assistant to a draper, Jan. 27 at 10, County Court of Staffordshire, at Oldbury.—*Wm. Price* the elder, West Bromwich, Staffordshire, butty miner, Jan. 27 at 10, County Court of Staffordshire, at Oldbury.—*Jas. Williams*, Swansea, Glamorganshire, licensed victualler, Jan. 16 at 10, County Court of Glamorganshire, at Swansea.—*Abel Redrup*, Towersey, Buckinghamshire, opt of business, Jan. 24 at 2, County Court of Oxfordshire, at Thame.—*Ralph Harris Wild*, Halifax, Yorkshire, butcher, Jan. 26 at 10, County Court of Yorkshire, at Halifax.—*Henry Clay*, Halifax, Yorkshire, out of business, Jan. 26 at 10, County Court of Yorkshire, at Halifax.—*Jonathan Turner Hanson*, Halifax, Yorkshire, commission agent, Jan. 26 at 10, County Court of Yorkshire, at Halifax.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 26 at 10, before the CHIEF COMMISSIONER.*

*Charles Wm. Bevan*, Twickenham, Middlesex, manager of an assurance company.—*Henry Windett*, Claremont-place, Hornsey-road, Middlesex, tailor.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 26 at 10, before the CHIEF COMMISSIONER.*

*Thomas Clarke*, Mare-street, Hackney, Middlesex, foreman to an engineer.

*Jan. 26 at 10, before Mr. Commissioner MURPHY.*

*Wm. Gardner*, Great Russell-street, Bloomsbury, Middlesex, shirt cutter.—*Wm. Freeman Bliss*, Teddington, Middlesex, out of business.—*Richard Stanley*, Cowley-place, Peckham, Surrey, smith.

*Jan. 27 at 11, before Mr. Commissioner PHILLIPS.*

*George Ross Caldwell*, Charles-street, Westminster, Mid-

dlesex, sergeant in the First Royal Dragoons.—*George Isaac Cooke*, Maud's-place, Jubilee-street, Stepney, Middlesex, shopman to a grocer.—*Simoni Victoire Kirton*, widow, Princess-street, Hanover-square, Middlesex, lodging-house keeper.—*Jeffrey Creathorne Clayton*, Acton-street, Gray's-inn-road, Middlesex, wood engraver.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Yorkshire, at YORK, Jan. 29.*

*Paul Greenwood*, Castle Clough, near Todmorden, out of business.—*Joseph Laister*, Sheffield, out of business.—*Henry Baines*, Newmarket, Huddersfield, commission agent.—*B. Smith*, Dewsbury, tailor.—*James Cordingley*, Wakefield, out of business.—*Thomas Collinson*, Leeds, commission agent.—*John Gothard*, Huddersfield, drysalter.—*George Scarlett*, Longwood Edge, Longwood, near Huddersfield, stone merchant.—*Wm. Palmer*, York, out of business.—*Frederick W. Nicholson*, Bradford, organ manufacturer.—*John Hargraves*, Burley Lawn, Headingley, near Leeds, bricklayer.—*George Balmforth*, Ripton, near Otley, out of business.—*Jos. Thornton*, Wakefield, tailor.—*Jas. Pickard*, York, out of business.—*Samuel Womersley*, Southowram Bank, near Halifax, dealer in malt.—*Wm. Middlebrooke*, Hollis Croft, Sheffield, joiner.—*Thos. Walton*, York, out of business.—*John Longley*, Beeston-hill, Hunslet, near Leeds, cloth manufacturer.—*T. Morris*, Halifax, joiner.—*Robert Myers*, Leeds, beer-house keeper.—*John Mills*, Hunslet Hall, near Leeds, out of business.—*John Womersley*, Clayton, near Bradford, quarryman.—*James Lofthouse*, Leeds, beer-house keeper.—*G. Webster*, Leeds, out of business.—*Frederick Stephenson*, Bradford, out of business.—*George Tyas*, Sheffield, out of business.—*Frederick Collier Rushworth*, Bradford, out of business.—*Joshua Clayton*, Little Horton, Bradford, warehouseman.—*Wm. Pashley*, Leeds, out of business.—*Wm. Rose*, Thirsk, bricklayer's labourer.—*Samuel Plant* the younger, York, out of business.—*Samuel Boys*, Fartown, Pudsey, near Bradford, labourer.—*John Brook*, Leeds, out of business.—*Wm. Hargreaves*, Manningham, Bradford, mechanic.—*John Jackson* the younger, York, bricklayer.

*At the County Court of Suffolk, at BURY ST. EDMUNDS, Jan. 29 at 10.*

*James Lay Hart*, Newton, out of business.

*At the County Court of Durham, at DURHAM, Jan. 29.*

*Isaac Oates*, Gateshead, out of business.—*Thos. Hatherly*, Monkwearmouth, mariner.

## TUESDAY, JANUARY 16.

### BANKRUPTS.

**JOHN GARDINER HODGES**, Bull's Head-court, Newgate-street, London, warehouseman, dealer and chapman, Jan. 25 at 1, and March 2 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Ashurst & Co., 6, Old Jewry, London.—Petition filed Jan. 6.

**THOMAS STURGES**, Stockwell, Surrey, licensed victualler, dealer and chapman, Jan. 25 at 12, and March 2 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Robinson, 29, Ironmonger-lane, London.—Petition filed Jan. 12.

**MATTHIAS EDWARD BOWRA**, Old Ford, Middlesex, India rubber manufacturer, Jan. 26 and March 2 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Lefroy, 217, Piccadilly.—Petition filed Jan. 12.

**ROBERT NORMAN**, Histon, Cambridgeshire, grocer and baker, Jan. 30 at half-past 11, and Feb. 27 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Christmas, Cambridge; J. & C. Cole, 36, Essex-street, Strand, Middlesex.—Petition filed Jan. 15.

**ELIZABETH TAYLOR**, Croom's-hill, Greenwich, Kent, licensed victualler, Jan. 29 at half-past 2, and March 5 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Martineau & Reid, 2, Raymond's-buildings, Gray's-inn, London.—Petition filed Jan. 11.

**RICHARD ALLCOCK**, Nottingham, wine and spirit merchant, dealer and chapman, Jan. 30 and Feb. 20 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Bowley, Nottingham; Hodgson, Birmingham.—Petition dated Jan. 12.



ISAAC MAY, Ipswich, Suffolk, linendraper, Jan. 26 at 11, and Feb. 27 at half-past 11, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Reed & Co., 59, Friday-street, Cheapside.—Petition filed Jan. 13.

GEORGE BUMPSTEAD, Great Yarmouth, Norfolk, grocer, Jan. 23 at 2, and Feb. 20 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Blake, Fleet-street, London.—Petition filed Jan. 8.

ROBERT SMITH, Newcastle-street, Strand, Middlesex, licensed victualler, Jan. 29 at 2, and Feb. 27 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Pagden & Hodgkinson, 71, Mark-lane, London.—Petition filed Jan. 15.

SAMUEL DENNIS, Rayleigh, Essex, carpenter and builder, Jan. 24 and March 3 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Chidley, 19, Gresham-street, City.—Petition dated Jan. 12.

SAMUEL RYDER, Plymouth, Devonshire, flour factor, Jan. 22 and March 5 at 1, District Court of Bankruptcy, Plymouth: Off. Ass. Hirtzel; Sols. Edmonds & Sons, Plymouth; Stogdon, Exeter.—Petition filed Jan. 6.

JOSEPH NORTH, Northowram, near Halifax, Yorkshire, grocer and shopkeeper, dealer and chapman, Jan. 30 and Feb. 27 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Holroyde & Co., Halifax; Bond & Barwick, Leeds.—Petition dated Jan. 4.

JAMES ALDRED, Manchester, innkeeper, dealer and chapman, Jan. 31 and Feb. 21 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Chew, Manchester.—Petition filed Jan. 12.

#### MEETINGS.

*Caleb Wm. Elliott*, Aylesbury, Buckinghamshire, grocer, Jan. 30 at 2, Court of Bankruptcy, London, last ex.—*Max Esinger*, Old Change, London, straw-hat manufacturer, Jan. 30 at 2, Court of Bankruptcy, London, last ex.—*Ebenezer Kempster*, *Mackenzie Griffiths*, *Cornelius Proust Newcombe*, and *Francis T. Griffiths*, Gracechurch-street, London, and Liverpool, shipowners, Jan. 30 at half-past 2, Court of Bankruptcy, London, last ex.—*Geo. Haworth*, *J. Walsh*, and *T. Atinsworth*, Over Darwen, Lancashire, power-loom cloth manufacturers, Feb. 22 at 11, District Court of Bankruptcy, Manchester, last ex.—*J. R. Hobern* and *S. Froud*, Orchard-st., Alfred-road, Harrow-road, Paddington, Middlesex, builders, Feb. 6 at 1, Court of Bankruptcy, London, aud. ac.—*F. Chater*, Wolverhampton, Staffordshire, chemist, Feb. 2 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Samuel Hammond*, Leeds, Yorkshire, flax spinner, Jan. 27 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Wm. Grimwood Still*, Wellclose-square, St. George's-in-the-East, Middlesex, glass merchant, Feb. 9 at 11, Court of Bankruptcy, London, div.—*Wm. Brodrick Mitcalfe*, Taunton-place, Regent's-park, Middlesex, dealer in mining shares, Feb. 9 at 11, Court of Bankruptcy, London, div.—*Richard Clark*, West Strand, Middlesex, lamp merchant, Feb. 9 at 11, Court of Bankruptcy, London, div.—*John Bates* and *Edward Bower*, Leicester, lamb's-wool spinners, Feb. 13 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*Charles Thomas*, Gloucester, stationer, Feb. 22 at 11, District Court of Bankruptcy, Bristol, div.—*Eather Blenky*, Liverpool, lodging-house keeper, Feb. 8 at 11, District Court of Bankruptcy, Liverpool, div.—*Isaac Fletcher*, Liverpool, stockbroker, Feb. 8 at 11, District Court of Bankruptcy, Liverpool, div.—*Joseph Barnabas Hignett*, Liverpool, commission agent, Feb. 8 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Richard Lewis*, Wootton-under-Edge, Gloucestershire, cloth manufacturer, Feb. 9 at 12, Court of Bankruptcy, London.—*John Young* and *Jasper Young*, Bread-street, Cheapside, London, warehousemen, Feb. 8 at 11, Court of Bankruptcy, London.—*Thomas Nightingale*, Broadchalke, Wiltshire, innkeeper, Feb. 6 at half-past 11, Court of Bankruptcy, London.—*Edmund Short*, Blandford Forum, Dorsetshire, horse dealer, Feb. 7 at 2, Court of Bankruptcy, London.—*Geo. Baseke*, St. George's-place, Knightsbridge, Middlesex, tobacconist, Feb. 7 at half-past 1, Court of Bankruptcy, London.—*Henry John Steuart*, Jermyn-street, Middlesex, hotel keeper, Feb. 7 at half-past 12, Court of Bankruptcy, London.—*George Stokes*, Hereford Lodge, Gloucester-road, Old Brompton, Middlesex, boarding-house keeper, Feb. 9 at 11,

Court of Bankruptcy, London.—*Robert Tripp*, St. Michael's-chambers, St. Michael's-alley, Cornhill, London, and Hereford-road, Bayswater, Middlesex, dealer in railway shares, Feb. 6 at 2, Court of Bankruptcy, London.—*John Robert Hobern* and *Stephen Froud*, Orchard-street, Alfred-road, Harrow-road, Paddington, Middlesex, builders, Feb. 6 at 1, Court of Bankruptcy, London.—*Richard Clark*, West Strand, Middlesex, lamp merchant, Feb. 9 at 11, Court of Bankruptcy, London.—*Wm. Henry Woodhouse*, Woolwich, Kent, brewer, Feb. 9 at 12, Court of Bankruptcy, London.—*George Edward Fordyce*, Astey's-row, Islington, Middlesex, plumber, Feb. 5 at 11, Court of Bankruptcy, London.—*Eather Blenkhorn*, Liverpool, lodging-house keeper, Feb. 8 at 12, District Court of Bankruptcy, Liverpool.—*John Midgley*, Nottingham, soda-water manufacturer, Feb. 13 at 10, District Court of Bankruptcy, Nottingham.—*Wm. Rollason* the younger, Birmingham, tin-plate worker, Feb. 15 at half-past 10, District Court of Bankruptcy, Birmingham.—*Joseph Partridge*, Wednesbury Oak, Tipton, Staffordshire, corn factor, Feb. 15 at half-past 10, District Court of Bankruptcy, Birmingham.—*Thomas Palmer*, Birmingham, licensed victualler, Feb. 15 at half-past 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an appeal be duly entered.*

*Henry Hadlow*, Jewry-street, Aldgate, London, apothecary.—*Sidney Milnes Hawkes*, Britten-street, Chelsea, Middlesex, brewer.—*Wm. Wright*, Thetford, Norfolk, butcher.—*James Dungey*, Rochester, Kent, grocer.—*Simeon Pitman*, Bath, Somersetshire, carpenter.—*John Barber*, Manchester, engraver to calico printers.—*Daniel Longdin*, Manchester, ironfounder.—*Thomas Tebbutt*, Manchester, merchant.—*J. Fulwood*, Birmingham, brass candlestick manufacturer.—*J. Harvey* the elder and *Godfrey Gregory Pike*, Birmingham, grocers.

#### PARTNERSHIPS DISSOLVED.

*Herbert Sturmy*, *Henry Simpson*, and *Walter Stanton Bousfield*, Wellington-st., London-bridge, Southwark, Surrey, and Philpot-lane, London, solicitors and attorneys-at-law.—*Arthur Richard Gabell* and *William Lewis*, Crickhowell, Breconshire, attorneys and solicitors.—*R. Roy* and *W. Geo-coigne Roy*, Lothbury, London, and Great George-street, Westminster, Middlesex, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

*William Harvie*, Auchingree, writer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John A. Banks*, Liverpool, master mariner, Jan. 23 at 10, County Court of Lancashire, at Liverpool.—*John Jones*, Bury, Lancashire, news agent, Feb. 7 at 11, County Court of Lancashire, at Bury.—*Hiram Tattersall*, Bury, Lancashire, grocer, Feb. 7 at 11, County Court of Lancashire, at Bury.—*George Pepper*, Long Wharton, Leicestershire, baker, Feb. 12 at 10, County Court of Leicestershire, at Loughborough.—*J. T. Colley*, West Bromwich, Staffordshire, smith, Jan. 27 at 10, County Court of Staffordshire, at Oldbury.—*Job Bates* the younger, West Bromwich, Staffordshire, baker, Jan. 27 at 10, County Court of Staffordshire, at Oldbury.—*John Brakell*, Settle, Yorkshire, shoemaker, Jan. 25 at 12, County Court of Yorkshire, at Settle.—*John Newton*, Bath, Somersetshire, collar maker, Jan. 28 at 11, County Court of Somersetshire, at Bath.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 30 at 10, before the CHIEF COMMISSIONER.*

*John Evans Holley*, Charlotte-street, Whitechapel, Middlesex, undertaker.—*Wm. Cook*, Fetter-lane, Holborn, London, butcher.

*Jan. 31 at 10, before the CHIEF COMMISSIONER.*

*J. Oliver*, Anerly-vale, Upper Norwood, Surrey, mason.

*Feb. 28 at 10, before Mr. Commissioner MURPHY.*

*Henry Collett*, Chepstow-mews, Chepstow-place, Westbourne-grove, Kensington, Middlesex, carter.—*T. Cusher*, Seymour-place, Bryanstone-square, Middlesex, corn chandler.

—George Peck, Clare Hall-place, Stepney-green, Middlesex, cooper.—J. Galland, Holken-street, Soho, Middlesex, coach-maker.—Samuel Wright, Wellington-place, West India Dock-road, Limehouse, Middlesex, ship smith.—Frederick Jackson, Great Charlotte-street, Blackfriars-road, Surrey, fixture dealer.—Thomas M. Taylor, Hill-street, Woolwich, Kent, boot maker.—Thomas Evans, College-street, Belvedere-road, Lambeth, Surrey, out of business.—A. J. Rickald, Providence-row, Finsbury-square, Middlesex, coach builder.—C. Stevenson, Great Queen-street, Westminster, Middlesex, private tutor.—John D. Palmer the younger, York-street, New-cut, Lambeth, Surrey, gas fitter.—Samuel Gillham, Haymarket, Middlesex, porter.

Saturday, Jan. 13.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

Paul Caraghi, High Holborn, Middlesex, carver and gilder, No. 64,771 T.; Edward Wrench, assignee.—Joseph Boocock, Huddersfield, Yorkshire, out of business, No. 78,759 C.; S. Holliday, assignee.—Lawrence Clapham, Lawkland, near Settle, Yorkshire, farm labourer, No. 78,910 C.; C. M. Duckett, assignee.—George Smith, Saddleworth, Yorkshire, out of business, No. 78,951 C.; T. R. Kemp, assignee.—Wm. Smith, Saddleworth, Yorkshire, out of business, No. 78,952 C.; T. R. Kemp, assignee.—Nichole Slater, Bradford, Yorkshire, plumber, No. 79,088 C.; Abraham Lambert, assignee.—John Midgley, Bradford, Yorkshire, plumber, No. 79,089 C.; A. Lambert, assignee.—Edmund Halliwell, Norland, near Halifax, Yorkshire, farmer, No. 79,121 C.; William Eagle Bott, assignee.—E. Smith, Greenhead Norland, near Halifax, Yorkshire, farmer, No. 79,122 C.; Wm. E. Bott, assignee.—Geo. Spencer, Keighley, Yorkshire, out of business, No. 79,168 C.; George Wilkinson, assignee.—Jonathan T. Crossby, Pontefract, Yorkshire, shoemaker, No. 79,169 C.; John England, assignee.—John Smith, Leeds, Yorkshire, dealer in fruit, No. 79,172 C.; Joseph Ibbotson, assignee.—Edwin Lodge, Shirley, near Huddersfield, Yorkshire, out of business, No. 79,183 C.; J. Haigh and J. M. Johnson, assignees.

Saturday, Jan. 13.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

James Kelly the younger, Jermyn-street, St. James's, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—A. Norton, Sutton-street, Belvedere-road, Lambeth, Surrey, out of business: in the Debtors Prison for London and Middlesex.—Wm. Brooks, Drury-lane, Middlesex, omnibus proprietor: in the Debtors Prison for London and Middlesex.—G. Gosling, Curtain-road, Shoreditch, Middlesex, baker: in the Debtors Prison for London and Middlesex.—George T. Brown, Brooksby's-walk, Homerton, Middlesex, commercial traveller: in the Debtors Prison for London and Middlesex.—Charles Stockley, East-street, Manchester-square, Middlesex, baker: in the Debtors Prison for London and Middlesex.—Henry Bescoby, Milton-street, Cripplegate, London, tallow chandler: in the Debtors Prison for London and Middlesex.—Stephen Goldfinch Erratt, Great Portland-street, Oxford-street, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—Silvanus J. W. Stokes, Queen's-row, Cambridge-road, Mile-end, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—George Wm. Day, Seward-street, Goswell-street, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—James Martin, Maze-pond, Tooley-st., Southwark, Surrey, grocer: in the Gaol of Surrey.—Robert A. Tucker, Bridenell-place, New North-road, Hoxton, Middlesex, coal dealer: in the Debtors Prison for London and Middlesex.—Louis Rossi, Regent-street, Middlesex, hairdresser: in the Debtors Prison for London and Middlesex.—Henry Plummer, Golden-lane, St. Luke's, Middlesex, wood sawyer: in the Debtors Prison for London and Middlesex.—Wm. Mole, Great Russell-street, Bloomsbury, Middlesex, assistant to a bookseller: in the Debtors Prison for London and Middlesex.—Frederick C. Chittock, High-st., Portland-town, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—Samuel J. Gardner, Picton-yard, Caledonian-road, Middlesex, cab proprietor: in the Debtors Prison for London and Middlesex.—Alexander Stuart, Queen's-road West, Chelsea, Mid-

dlesex, tailor: in the Debtors Prison for London and Middlesex.—Robert David Ogilley, Tollington-park, Hornsey-road, Islington, Middlesex, doll maker: in the Debtors Prison for London and Middlesex.—John Baldwin the younger, Ashton, Ingham, Herefordshire, labourer: in the Gaol of Gloucester.—James Eades, Birmingham, brass candlestick maker: in the Gaol of Warwick.—Thomas Glover, Derby, plumber: in the Gaol of Derby.—Samuel Richardson, Derby, commission agent: in the Gaol of Derby.—John C. Dawe, Wellington, Somersetshire, relieving officer of the Wellington Union: in the Gaol of Wilton.—Wm. Beynon, Birmingham, foreman to a stamper: in the Gaol of Warwick.—James Walker, Bradford, Yorkshire, butter factor: in the Gaol of York.—James King, Birmingham, out of business: in the Gaol of Warwick.—Wm. Daniels, Birmingham, out of business: in the Gaol of Warwick.—Isaac Brook, Bradford, Yorkshire, greengrocer: in the Gaol of York.—Henry W. Hall, Bristol, in no business: in the Gaol of Bristol.—James Pearce, Bristol, assistant to a confectioner: in the Gaol of Bristol.—Richard B. Edwards, Treforest, Glamorganshire, labourer: in the Gaol of Cardiff.—Robert J. Ashworth, Ramsbottom, Lancashire, out of business: in the Gaol of Lancaster.—David Evans, West Derby, near Liverpool, dealer in paper hangings: in the Gaol of Lancaster.—Abraham Dobson, Fairfield, near Manchester, out of business: in the Gaol of Lancaster.—Wm. Crane, Salford, Lancashire, job dealer: in the Gaol of Lancaster.—Benjamin Shaw, Manchester, out of business: in the Gaol of Lancaster.—James Nuttall, Wardleworth, near Rochdale, Lancashire, traveller to a roller and strickle maker: in the Gaol of Lancaster.—Charles Allen, Malvern Wells, Worcestershire, huckster: in the Gaol of Worcester.—Morris Jacoby, Manchester, auctioneer: in the Gaol of Lancaster.—Henry Charles, Manchester, out of business: in the Gaol of Lancaster.—Wm. H. Bagshaw, York, out of business: in the Gaol of York.

(On Creditor's Petition).

George Belding, South Creake, Norfolk, farmer: in the Gaol of Norwich.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Jan. 30 at 10, before the CHIEF COMMISSIONER.

Frederick Pritchard, Leonard-street, Shoreditch, Middlesex, beer-shop keeper.—John Wm. Soar, Eastbourne-mews, Westbourne-terrace, Paddington, Middlesex, job master.

Jan. 30 at 10, before Mr. Commissioner MURPHY.

George E. Williams, Great Pulteney-street, Golden-square, Middlesex, attorney-at-law.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Devonshire, at EXETER, Jan. 30 at 10.

Wm. Cotten, East Teignmouth, horse clipper.

At the County Court of Gloucestershire, at BRISTOL, Feb. 8 at half-past 10.

Henry Wm. Hall, Bristol, confectioner.

At the County Court of Nottinghamshire, at NOTTINGHAM, Feb. 13 at 10.

Joseph Poole, Nottingham, baker.

At the County Court of Warwickshire, at WARWICK, Feb. 19.

James Eades, Birmingham, brass candlestick maker.

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\* \* \* All orders for advertisements must be sent to Maxwell & Co., 31, Nicholas-lane, Lombard-street, London, to whom all applications respecting their insertion should be addressed.

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## THE JURIST.

LONDON, JANUARY 27, 1855.

THE charges of our judges to grand juries at the assizes possess a peculiar value. In addition to special observations upon the calendar before them, they generally take the opportunity of tracing the prominent causes of crime, and the means which tend to their removal. The words come from those who have themselves fought the battle of life in its hottest arena, and whose experience of human nature in its fallen state prevents them alike from exaggerating its strength or its weakness.

The charge of Mr. Baron Alderson to the grand jury of Yorkshire at the Winter Assizes of 1854 presents these characteristics in an eminent degree\*. The kind heart of the judge has been deeply touched by the injustice of society committed towards its offending members. The hand which holds the scales of justice may well tremble—nay, be paralysed—at the contemplation of the wrongs inflicted upon the criminal, as well as by him. The theme—thanks to the men and women who have pressed it upon public attention—has no longer the excitement of novelty, but it is one of such paramount interest that it recurs again and again to the reflecting mind, and imposes obligations which no individual can shift from himself, either upon his neighbour or upon the Government. This is especially the case since the Legislature have armed the public with fitting weapons for its warfare against crime. It was the statute of last session, (17 & 18 Vict. c. 86), "for the better care and reformation of youthful offenders in Great Britain," that the learned judge selected as the subject of his address. After

showing, by extracts from Combe's "Principles of Criminal Legislation," that short terms of imprisonment are injurious to the prisoner as well as to the public, and that very encouraging results have already been attained by judicious efforts for reclaiming offenders, his Lordship pointed out, that by the operation of this statute a lengthened term of detention might be imposed upon the young, but in a school, and not in a prison, and that wide and lasting benefits might reasonably be expected from the adoption of a course recommended alike by justice and expediency.

The statute in question recites, that "reformatory schools for the better training of juvenile offenders have been and may be established by voluntary contributions in various parts of Great Britain, and it is expedient that more extensive use should be made of such institutions;" and enacts, that upon application made to the Secretary of State by the managers of any such institution, he may direct an inspector of prisons to report upon its condition and regulations; and if it appear to the satisfaction of the Secretary of State, and be certified by him, to be useful and efficient for its purpose, it is to be a reformatory school within the provisions of the act. To such schools any person under sixteen years of age, convicted upon indictment or on summary conviction, may, in addition to the sentence passed as a punishment for his offence, be directed by the Court to be sent at the expiration of such sentence, and be there detained for a period not less than two years, and not exceeding five years. The preliminary sentence must be imprisonment for fourteen days at the least, and the Secretary of State may at any time order a discharge from the school. Power is given to the Treasury to defray the cost of care and maintenance of the offender while within the reformatory school; but the Court by which he is ordered to be detained is to charge his parent or step-parent, if of sufficient ability, with a sum not exceeding 5s. per

\* The concluding part of this charge is published in a pamphlet, (pp. 19), by Masters, Aldersgate-street, 1855.

week for that purpose. In order to compel such payment, the provisions of the Poor Laws are extended to the act. The statute does not extend to Ireland. With regard to Scotland, a statute of the same session (c. 74) enacts, that vagrant children may be sent to a reformatory or industrial school, unless security be found for their good behaviour, and provides for their compulsory detention until the age of fifteen years or lawful discharge, and also for the expenses, to be recovered from those who are liable to support them. Power is given to the Education Committee of the Privy Council to grant aid to the directors of such schools in Scotland.

"I have spoken hitherto of young offenders," said his Lordship upon the occasion alluded to, "but the same principle, *mutatis mutandis*, is true for the adults also. An adult convict is but an overgrown wicked child, who has erred from inherently vicious dispositions, defective instruction, or evil example. He is only in his habits and organisation a child grown larger and stronger, but the same method of reforming him must be, as for children, to change his habits—to excite his powers, dormant as yet, of moral restraint by firm and wholesome severity, accompanied, however, with kindness. Depend on it he has a heart, though at present incrustated over, and insensible from misery perhaps, and vice.

"Try to touch that heart—let him feel that though you punish you do it for his good—substitute firm and gentle severity for mere unreasoning vengeance, and cultivate what still is left of moral power originally possessed by him. Quench not the smoking flax of his agonised repentance, and you will have a good chance of success even with him. But treat him firmly—do not spare to make him suffer for his crime. What he wants is moral power to resist temptation. In this, as it seems to me, the evil of penitentiaries, which are solely dependent on the effect of separate imprisonment, consists. The defect of mere separate imprisonment is this, that the patient is by it too often *subdued*, but not *reformed*. He still wants the strength which *social* habits alone can give him, to fit him for a return to the world from which he has been shut out for a long period. He is, perhaps, convalescent, but not cured; and it ends too often in a fatal relapse. Besides, it is a discipline which does not suit all; some require to be subdued, others to be supported; and for this reason there should be some prison or penitentiary in which, after separate confinement, the prisoner should carefully and gradually be accustomed to work in common with others before his ultimate discharge. For the most part he should be subjected to hard labour, skilled or otherwise, for this is the best remedy and security against relapse; not, as I think, to be unaccompanied with some profit arising from that labour, and given to the criminal. God governs us all by rewards as well as punishments; why should we not, at however remote a distance, try to follow the course of His government, which is always the wisest and best?

"I have now, perhaps at too great a length, offered some suggestions on these important subjects to you. I wish you to turn them in your own intelligent minds. You may not agree with me, but at least to think about them will conduce to settle your minds on the ques-

tion, and that will be a great good attained. By discussion we shall make an approach to the truth. I commend the subject to you, hoping that at least you will take into consideration what the Legislature, not I alone, have laid before you, as to the institution of reformatory schools throughout the length and breadth of the country. I believe them to be as necessary appendages to every good gaol as the doors, or the locks, or the treadmill, and far more effectual."

#### NOTES OF THE WEEK.

In *Towns and Another v. Mead* (C. P., Jan. 18) it has been decided, that where there are two joint contractors, and one is abroad at the time of the accruing of the cause of action, the Statute of Limitations does not begin to run until his death or his return to this country.

In *Steel v. Haddock* (Exch., Jan. 18) a plea on equitable grounds was allowed to be pleaded to an action of trover, to the effect that the goods had been intended to have been sold by the plaintiff to the defendant, but by mistake had been omitted from the contract, although the defendant had paid the purchase money. The Court, however, did not express any opinion as to the validity of the plea.

In *Hawkins v. Gathercole*, the Lords Justices have held, (Jan. 19), contrary to the opinion of the present Lord Chancellor when he was Vice-Chancellor, that a judgment registered under the 1 & 2 Vict. c. 110, does not create a charge upon an ecclesiastical benefice. In Lord Justice Turner's judgment there are some valuable observations upon the construction of statutes in general.

In *Hill v. Swift*, the Court of Exchequer (Jan. 17) has decided that a judge of a county court has no right to amend the particulars of demand by reducing the sum claimed to 50*l.*, so as to give himself jurisdiction. *Awards v. Rhodes* (8 Exch. 312) was cited and acted upon.

In *Walton v. Borthwick* (Com. P., Jan. 22) an order for goods was given in Oxford to a traveller for a Manchester house, together with express directions for them to be delivered at the railway station at Manchester. By leave of the judge, under the 9 & 10 Vict. c. 95, s. 60, an action was brought for the price in the Manchester County Court. It was held that the Court had no jurisdiction to try it, as under the section in question the *whole* cause of action must arise in the district of trial; and the order, which was part of the cause of action, was given in Oxford. We have received a letter upon this case, in which our correspondent states that, if acted upon, it will cut up largely county court practice, as about fifty cases a week come before a county court with which he is acquainted which are decided upon in a manner contrary to this view of the Court of Common Pleas. A similar point is now pending before the Court of Exchequer. The county court judges have few questions of more difficulty to decide than those which arise under this section as to the meaning of the words "cause of action."

Mr. Keogh has written, in answer to an inquiry upon the subject, that there is no express exemption from the stamp laws in favour of receipts given for subscriptions to charitable institutions, but that where the sum acknowledged to have been received is a mere voluntary gift, not entitling the person making the payment to any advantage, the acknowledgment may be regarded as not liable to stamp duty. The nature of the gift,

he says, should be expressed in the acknowledgment. It seems, however, clear, that whether so expressed or not, no stamp is necessary for a receipt unless it be of money paid in discharge of a *pre-existing liability*\*.

Errors will be taken from the Court of Common Pleas on Thursday and Friday, the 1st and 2nd February, and from the Exchequer on Monday, the 5th February, and such following days as may be necessary. There are no errors from the Queen's Bench.

The Exchequer will sit in Banc on Monday, the 5th February, and three following days, to hear arguments in the Special and New Trial Papers; and also on Tuesday, the 13th, for the purpose of delivering judgments solely.

### COURT OF QUEEN'S BENCH.

HILARY TERM.—18 VICTORIA.—*Jan. 22, 1855.*

This Court will, on Tuesday, the 6th day of February next, and the two following days, hold sittings, and will then proceed with the cases remaining unheard at the end of the term in the Special, Crown, and New Trial Papers, beginning with the New Trial Paper. The Court will also hold a sitting on Thursday, the 22nd day of February next, for the purpose of giving judgments only.

By the Court.

### SPRING CIRCUITS OF THE JUDGES.

On Thursday the Judges of the Courts of Queen's Bench, Common Pleas, and Exchequer, assembled in the Exchequer Chamber, Westminster, for the purpose of selecting the several circuits upon which they will respectively proceed to hold the ensuing assizes in the different counties of England and Wales, when the following arrangements were agreed to:—

**OXFORD CIRCUIT.**—Lord Campbell, C. J., and Martin, B.—Assizes to be held at Abingdon, Oxford, Worcester, Stafford, Shrewsbury, Hereford, Monmouth, and Gloucester.

**NORFOLK CIRCUIT.**—Pollock, C. B.—At Aylesbury, Bedford, Huntingdon, Cambridge, Ipswich, and Norwich and city.

**NORTHERN CIRCUIT.**—Parke, B., and Cresswell, J.—At Lancaster, Appleby, Carlisle, Newcastle, Durham, York, and Liverpool.

**MIDLAND CIRCUIT.**—Alderson, B., and Coleridge, J.—At Northampton, Oakham, Lincoln, Nottingham, Derby, Leicester, Coventry, and Warwick.

**HOME CIRCUIT.**—Maule, J., and Platt, B.—At Hertford, Chelmsford, Maidstone, Lewes, and Guildford.

**WESTERN CIRCUIT.**—Erle and Crowder, JJ.—At Winchester, Devizes, Dorchester, Exeter, Bodmin, Bridgwater, and Bristol city.

**SOUTH WALES AND CHESTER CIRCUIT.**—Crompton, J.—At Cardiff, Haverfordwest, Cardigan, Carmarthen, Brecon, Presteign, and Chester.

**NORTH WALES AND CHESTER CIRCUIT.**—Williams, J.—At Newtown, Dolgelly, Carnarvon, Beaumaris, Ruthin, Mold, and Chester.

**WESTMINSTER.**—Jervis, C. J., will remain in town.

### THE METROPOLITAN BUILDINGS ACT, 7 & 8 VICT. c. 84.

[From the Builder, Jan. 20, 1855.]

OUR London readers, at all events, are aware that for some time past differences have prevailed between the official referees and the registrar of metropolitan buildings, which have greatly impeded the proper execution of the law, have tended to bring it into disrepute, and have increased the difficulties of the district surveyors. The operation of the differences of opinion is, that on considering the decisions come to by the referees, the registrar conceives, in various cases, that they have proceeded erroneously, and refuses to seal their awards. When sent to the Board of Works, the Board sometimes authorise the registrar to affix his seal of office to the intercepted documents, thus overruling his objections, but more commonly confirm his refusal of the seal, and the whole of the litigation is thus suspended. The Board of Works have at times intimated to the referees that it was their duty either to alter the already executed documents, or else to make others; but the referees felt they could not do so. The latter offered, however, to record any decree avowedly on the responsibility of the Board of Works acting as an appellate court; but this was declined.

In party-wall cases, of great importance to individuals, a special difficulty was found. Unless there is error on the face of the certificate given by the district surveyor, or an appeal is brought by one of the parties, its confirmation by the official referees is a matter of course, and they consider there should clearly be no hearing of the parties on it. But the registrar thinks differently, and withholds the seal from certificates of confirmation on that ground; although, if the parties did appear, and the official referees heard them, the decision of the official referees is made final by the 24th section.

Under these circumstances, the referees thought it necessary to obtain the opinion of counsel, and a case was prepared and submitted to Sir Richard Bethell, Solicitor-General, Mr. Serjeant Byles, and Mr. Charles Winston. The question mainly was as to the nature of the control over the acts of the referees vested in the registrar and the Board of Works; and we give so much of their reply as answers this. The remainder advises as to the mode in which the referees should take the opinion of a Court of law upon it:—

"We are of opinion that the instruments required to be sealed, under sect. 89, are of two classes:—

"First, certificates, summonses, and consents granted by the official referees, and expressly *required to be sealed*, by sects. 15, 16, 85, and 117.

"Secondly, an award, when it is proposed to enforce it by process from the Court of Queen's Bench, (sect. 83), and a copy of it when wanted for evidence, (sect. 86)."

Over the first class of documents the registrar and the commissioners have a controlling power. The registrar may refuse to affix his seal of office, where on the face of it the document appears to him contrary to law, or where it is informal or manifestly ultra vires. The commissioners may review the registrar's decision, but must proceed on the same grounds.

But over the second class of documents, viz. awards and copies of awards, we are of opinion that neither registrar nor commissioners have any controlling power, but that the duty of the registrar to fix the seal is purely ministerial.

We are further of opinion, that, upon a submission to the referees in their judicial character of a question between party and party, as soon as they have once

\* See *Tomkins v. Ashby* (6 B. & Cr. 541) and *Taylor v. Steele*, (16 M. & W. 665).

made their award they are functi officio; that they can neither make a second award nor (which is really the same thing) alter their first award; and more than that, we think it would be very dangerous for them to attempt it, for in an action for damages for acts done under the authority and direction of an altered award they might be unable to shelter themselves under the protection of the act of Parliament.

### London Gazettes.

FRIDAY, JANUARY 19.

#### BANKRUPTS.

**HERBERT WYATT**, Charlwood-street, Pimlico, Middlesex, gentleman, **THOMAS DICKINS**, Henry-street, Upper Kennington, Surrey, engineer, and **DANIEL EDWIN AUSTIN**, Copthall-court, London, solicitor, carrying on business, under the style or firm of Wyatt & Co., at Pilgrim-street, Kennington, Surrey, chimney-piece manufacturers and moulders in cement, dealers and chapmen, Jan. 27 at half-past 1, and March 10 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Chidley, 19, Greatham-street, London.—Petition filed Jan. 16.

**WILLIAM GILLARD** the elder, Catherine-street, Strand, and Thornhill-square, Islington, Middlesex, dealer in oils and pickles, and general merchant, dealer and chapman, (formerly in copartnership with Thomas Davis and William Whitehead Grainger Garrett, and carrying on business at York, under the style of the Laverthorpe Bottle Works), Jan. 31 at 1, and March 6 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Nicholl & Clark, 9, Cook's-court, Carey-street, Lincoln's-inn-fields, Middlesex.—Petition filed Jan. 17.

**GEORGE RICKETTS**, Charles-place, Drummond-street, Euston-square, Middlesex, coach builder, dealer and chapman, Jan. 26 at 12, and Feb. 27 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Abrahams, 13, Southampton-buildings, Chancery-lane, London.—Petition filed Jan. 13.

**HENRY REVEL SPICER**, Bagnor Mills, near Newbury, Berkshire, paper maker, dealer and chapman, Jan. 26 at half-past 12, and Feb. 27 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Tucker, 25, Clement's-lane, Strand, Middlesex.—Petition filed Jan. 17.

**SAMUEL MORRITZ KROHN**, Broad-street, Cheapside, London, merchant, dealer and chapman, (of the firm of Krohn, Brothers), Jan. 26 at 11, and March 1 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Messrs. Linklater, 17, Sise-lane.—Petition filed Jan. 9.

**JOHN DENNETT**, Laurel Cottage, Pomeroy-street, New-cross, Hatcham, Surrey, builder, dealer and chapman, Jan. 26 at half-past 11, and March 1 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Jones, Quality-court, Chancery-lane, London.—Petition filed Jan. 16.

**CHARLES HODGE**, Cadogan Iron Foundry, Chelsea, Middlesex, smith and ironfounder, Jan. 27 at 2, and March 10 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Rivotta, 10, Hart-street, Bloomsbury, Middlesex.—Petition filed Jan. 17.

**HENRY BENSON COX**, Southampton, purser of the ship *Croesus*, dealer in provisions and trader, Jan. 27 at 12, and March 10 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. A'Becket & Co., 7, Golden-square, Middlesex.—Petition dated Jan. 15.

**CHARLES ONKEN**, Ropemakers-street, Finsbury, Middlesex, coachmaker, Feb. 2 at 11, and March 6 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Lewis, 7, Wilmington-square, London.—Petition filed Jan. 17.

**THOMAS NICHOLSON**, Leeds, Yorkshire, machine maker and whitesmith, Feb. 2 and March 9 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Dunning & Kay, Leeds.—Petition dated Jan. 17.

**JOHN ROOTS**, Luton, near Chatham, and Snodland, Kent, brickmaker, dealer and chapman, Jan. 25 at 12, and March 9 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Hills, Chatham; Stevens & Stachell, 6, Queen-street, Cheapside, London.—Petition filed Jan. 5.

**WILLIAM FOSTER**, Bridge-wharf, Millbank, Westminster, Middlesex, stone merchant, dealer and chapman, Feb. 2 at 11, and March 9 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Jacques & Co., 8, Ely-place, Holborn, London; Robson, Halifax, Yorkshire.—Petition filed Jan. 17.

**HENRY JOHN ACHLIN**, High Holborn, Middlesex, wholesale shoe manufacturer, dealer and chapman, Feb. 2 at half-past 12, and March 9 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed Jan. 17.

**THOMAS PRICHARD**, Sidcup, Footscray, Kent, apothecary, dealer and chapman, Jan. 30 at 2, and March 6 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Forbes & Horwood, 8, Warnford-court, Throgmorton-street, London.—Petition filed Jan. 16.

**THOMAS ANDREW FRANCIS BURTON**, Montague-close, Southwark, Surrey, wharfinger and carman, dealer and chapman, Feb. 2 at 1, and March 6 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Preston, 23, New Broad-street, London.—Petition filed Jan. 17.

**THOMAS LOWELL RALPH** the elder and **WILLIAM RALPH**, Birmingham, ironfounders, dealers and chapmen, (trading under the firm of William Ralph), Jan. 27 and Feb. 23 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Southall, Birmingham.—Petition dated Jan. 10.

**BRYAN HESLEDEN**, Barton-upon-Humber, Lincolnshire, scrivener, money broker, dealer and chapman, Feb. 7 and 28 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. England & Saxeby, Kingston-upon-Hull.—Petition dated Jan. 17.

**JOSEPH CROWTHER**, Manchester and Eccles, Lancashire, grocer and provision dealer, dealer and chapman, Jan. 31 and Feb. 21 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Boote, Manchester.—Petition filed Jan. 16.

**EDWARD JACKSON** and **EUGENE CLARKE**, Manchester, wholesale milliners, (trading under the firm of Edward Jackson & Co.), Feb. 5 and 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Petition filed Jan. 13.

**GEORGE HICKES** and **THOMAS PILLING**, Edenwood, near Edenfield, Lancashire, sizers, dealers and chapmen, Feb. 1 and 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Cobbett & Wheeler, Manchester.—Petition filed Jan. 6.

**JOHN BODDINGTON**, Manchester, malt factor, hop merchant, dealer and chapman, Jan. 30 and Feb. 21 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Blair, Manchester.—Petition filed Jan. 12.

#### MEETINGS.

*Frederick Langman*, Wolverhampton, Staffordshire, druggist, Jan. 24 at 12, Star and Garter Hotel, Wolverhampton, Staffordshire, pr. d.—*Wm. Makin* the younger, Manchester, provision dealer, Jan. 30 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Henry Woodhouse*, Woolwich, Kent, brewer, Feb. 9 at 12, Court of Bankruptcy, London, aud. ac.—*George Stokes*, Hereford Lodge, Gloucester-road, Old Brompton, Middlesex, boarding-house keeper, Feb. 9 at 11, Court of Bankruptcy, London, aud. ac.—*Henry Rogers*, Warren-street, Fitzroy-square, and Brook-street, New-road, Middlesex, pianoforte manufacturer, Feb. 1 at 11, Court of Bankruptcy, London, aud. ac.—*Henry Simmons*, Northumberland-place, Commercial-road; High-street, Shoreditch; and Hackney-road, Middlesex, shoemaker, Feb. 1 at 12, Court of Bankruptcy, London, aud. ac.—*J. Milner*, Devonshire-street, St. Peter's, Islington, Middlesex, stockbroker, Feb. 1 at 12, Court of Bankruptcy, London, aud. ac.—*Benedetto Bernasconi*, Red Lion-street, Clerkenwell, Middlesex, looking-glass frame manufacturer, Feb. 1 at 11, Court of Bankruptcy, London, aud. ac.—*Frederick Hawes King*, New Shoreham, Sussex, carpenter, Feb. 1 at 11, Court of Bankruptcy, London, aud. ac.—*Edward Kemp*, Beckford-row, Walworth-road, Surrey, linendraper, Jan. 31 at 11, Court of Bankruptcy, London, aud. ac.; Feb. 10 at 2, div.—*Benjamin Workman Pearce*, Bayham-terrace, Camden-town, Middlesex, builder, Jan. 31 at 11, Court of Bankruptcy, London, aud. ac.—*G. J. Philips*, Cannon-street West, London, hosier, Jan. 31 at 11, Court of Bankruptcy, London, aud. ac.—*John*

*Tullock Fisher*, Barking-road, Plaistow, Essex, auctioneer, Jan. 31 at 11, Court of Bankruptcy, London, aud. ac.—*S. Horton*, Portman-place, Edgeware-road, Middlesex, builder, Jan. 31 at 11, Court of Bankruptcy, London, aud. ac.—*P. Smith*, Bridport-place, Horton, Middlesex, licensed victualler, Jan. 27 at 12, Court of Bankruptcy, London, aud. ac.—*S. Osler*, Grange-road, Bermondsey, Surrey, leather factor, Jan. 27 at 12, Court of Bankruptcy, London, aud. ac.—*Richard Lewis*, Wootton-under-Edge, Gloucestershire, cloth manufacturer, Feb. 9 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Hudson*, Church-street, Hackney, Middlesex, grocer, Feb. 12 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Hunt*, Bedford-row, Middlesex, wine merchant, Feb. 12 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Wm. Hasle*, Pownall-road, Dalston, Middlesex, lace dealer, Feb. 9 at 12, Court of Bankruptcy, London, aud. ac.—*John Young and Jasper Young*, Bread-street, Cheap-side, London, warehousemen, Feb. 8 at 11, Court of Bankruptcy, London, aud. ac.—*John Upson*, Bexley, Kent, shoemaker, Feb. 1 at half-past 1, Court of Bankruptcy, London, aud. ac.—*John Swales*, Openshaw, Lancashire, ironmonger, Feb. 5 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Feb. 12 at 12, div.—*Wm. Weston*, Chiswell-street, Finsbury, Middlesex, shoe agent, Feb. 1 at 12, Court of Bankruptcy, London, aud. ac.—*C. W. Woodworth*, Liverpool, licensed victualler, Jan. 31 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Joseph Barnabas Hignett*, Liverpool, commission agent, Feb. 1 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Esther Blenky*, Liverpool, lodging-house keeper, Feb. 1 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Rowland Bosworth*, Leicester, oil merchant, March 6 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*Joseph Greenstreet*, Leicester, commission agent, Feb. 6 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*George Bowley Medley*, Highbury-park North, Islington, Middlesex, and Great Tower-street and Lloyd's Coffee-house, London, underwriter, and *William Adam*, Great Tower-street, London, merchant, Feb. 9 at 12, Court of Bankruptcy, London, div.—*John Webb*, Rayleigh, Essex, grocer, Feb. 9 at 11, Court of Bankruptcy, London, div.—*Eliza M. Crow*, James-street, Featherstone-street, City-road, Middlesex, linendraper, Feb. 9 at half-past 12, Court of Bankruptcy, London, div.—*Isaac Cooper*, Luddington, Northamptonshire, corn dealer, Feb. 9 at 11, Court of Bankruptcy, London, div.—*Thomas Burton*, Hagley, Worcestershire, builder, Feb. 12 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Joseph Popleston*, Leicester, lamb's-wool spinner, Feb. 20 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*Daniel Jones Fynney*, Liverpool, corn broker, Feb. 9 at 11, District Court of Bankruptcy, Liverpool, div.—*John Peden*, Liverpool, grocer, Feb. 13 at 11, District Court of Bankruptcy, Liverpool, div.—*James Kyrke*, Glascoed, Denbighshire, limeburner, Feb. 12 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Wm. Hudson*, Church-street, Hackney, Middlesex, grocer, Feb. 12 at 11, Court of Bankruptcy, London.—*Francis Pinn*, Queen's-buildings, Knightsbridge, and Stockbridge-terrace, Pimlico, Middlesex, baker, Feb. 12 at half-past 1, Court of Bankruptcy, London.—*W. Hunt*, Bedford-row, Middlesex, wine merchant, Feb. 12 at half-past 12, Court of Bankruptcy, London.—*Thomas John Holloway*, Salisbury, Wiltshire, rope manufacturer, Feb. 9 at 12, Court of Bankruptcy, London, div.—*W. White*, Peterborough-villas, St. John's-wood, Middlesex, builder, Feb. 9 at half-past 12, Court of Bankruptcy, London.—*S. Edwards*, Long Buckby, Northamptonshire, scrivener, Feb. 9 at half-past 12, Court of Bankruptcy, London.—*Daniel Chapman*, Cornwall-road, Hammersmith, Middlesex, builder, Feb. 13 at 2, Court of Bankruptcy, London.—*James Thomas Snow*, Pollen-street, Maddox-street, Hanover-square, Middlesex, butcher, Feb. 13 at 1, Court of Bankruptcy, London.—*William Littlejohn Dowie*, Manchester, tailor, Feb. 12 at 12, District Court of Bankruptcy, Manchester.—*David Ainsworth*, Manchester, warehouseman, Feb. 12 at 12, District Court of Bankruptcy, Manchester.—*John Tattersall*, Whitewell Mill, Whitewell Bottom, near Newchurch, Lancashire, cotton manufacturer, Feb. 13 at 12, District Court of Bankruptcy, Manchester.—*Joseph Peeny*, Birkenhead, Che-

shire, eating-house keeper, Feb. 9 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Crowther*, Halifax, Yorkshire, innkeeper, Feb. 13 at 12, District Court of Bankruptcy, Leeds.—*Wm. Shuttleworth*, Bradford, Yorkshire, stuff manufacturer, Feb. 19 at 11, District Court of Bankruptcy, Leeds.—*Robert Tili*, Worcester, grocer, Feb. 19 at half-past 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Edward Hawkins*, Ponsonby-street, Westminster, Middlesex, builder.—*Edward Buckler*, Cullum-street, London, merchant.—*Walter Longhurst*, Queen's-buildings, Knightsbridge, Middlesex, builder.—*David Marriott*, Oxford-street, Middlesex, draper.—*John Sellick*, Chapp's Mills, Colerne, Wiltshire, and Bristol, Gloucestershire, paper maker.—*Robert Getty*, Liverpool, ship builder.—*John Swales*, Openshaw, Lancashire, ironmonger.—*David Scott*, Manchester, pork butcher.—*John Harwood*, Blackburn, Lancashire, tailor.—*John Hucknall*, Nottingham, grocer.—*Rowland Bosworth*, Leicester, oil merchant.—*Thos. Chapman*, Leicester, worsted spinner.—*Joseph Greenstreet*, Leicester, commission agent.

## PETITION ANNULLLED.

*Abraham Coronel*, Great Alie-street, Goodman's-fields, Middlesex, cigar manufacturer.

## PARTNERSHIP DISSOLVED.

*Charles Henry Rhodes*, *James Lane*, and *Charles Henry Rowson Rhodes*, Chancery-lane, Middlesex, and Gracechurch-street, London, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Adam Yule*, deceased, Kelso, innkeeper.—*Samuel Porter*, Newton-Stewart, wool dealer.—*Wm. Miller*, Musselburgh, starch manufacturer.—*Dawson & Aston*, Leith, colour merchants.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Charles Henry Rawlins*, Liverpool, druggist, Jan. 23 at 10, County Court of Lancashire, at Liverpool.—*David Betts*, Horseheath, Cambridgeshire, wheelwright, Feb. 8 at 3, County Court of Essex, at Saffron Walden.—*John Thompson*, Birmingham, brewer, Feb. 3 at 11, County Court of Warwickshire, at Birmingham.—*Andrew Cadden*, Birmingham, factor's clerk, Feb. 3 at 11, County Court of Warwickshire, at Birmingham.—*Thos. Motteram*, Birmingham, plumber's brass-founder, Feb. 3 at 11, County Court of Warwickshire, at Birmingham.—*Charles Umbers*, Birmingham, carter, Feb. 3 at 11, County Court of Warwickshire, at Birmingham.—*Samuel Baylis*, Aston, Warwickshire, out of business, Feb. 3 at 11, County Court of Warwickshire, at Birmingham.—*G. Myers*, Birmingham, butcher, Feb. 3 at 11, County Court of Warwickshire, at Birmingham.—*Francis Burton Dalton*, Manchester, bookkeeper, Feb. 12 at 12, County Court of Lancashire, at Manchester.—*John Cope*, Nottingham, dairyman, Feb. 13 at 10, County Court of Nottinghamshire, at Nottingham.—*Wm. Featherstone*, Nottingham, baker, Feb. 13 at 10, County Court of Nottinghamshire, at Nottingham.—*D. Jackson*, Nottingham, dealer in and hawker of lace, Feb. 13 at 10, County Court of Nottinghamshire, at Nottingham.—*John Cleaverley*, Leamington Priors, Warwickshire, rope manufacturer, Feb. 19 at 2, County Court of Warwickshire, at Warwick.—*George Haynes*, Leicester, licensed to let frys, Feb. 14 at 10, County Court of Leicestershire, at Leicester.—*John Plumb*, Leicester, book agent, Feb. 14 at 10, County Court of Leicestershire, at Leicester.—*Wm. M. Adam*, Leicester, umbrella manufacturer, Feb. 14 at 10, County Court of Leicestershire, at Leicester.—*Samuel Batten* the younger, Peterborough, Northamptonshire, horse breaker, Feb. 5 at 12, County Court of Northamptonshire, at Peterborough.—*Thos. Kind*, Salford, Lancashire, commercial traveller, Jan. 23 at 11, County Court of Lancashire, at Salford.—*H. Wilkinson*, Pendleton, Lancashire, machine printer, Jan. 23 at 11, County Court of Lancashire, at Salford.—*Wm. Powell*, Great Wigborough, Essex, grocer, Feb. 12 at 12, County Court of Essex, at Colchester.—*Henry Shead*, Witham, Essex, corn factor, Feb. 13 at 12, County Court of Essex, at Maldon.—*Robert Palmer*, Yeovil, Somersetshire, baker, Feb. 7 at half-past 10, County Court of Somersetshire, at Yeovil.—*Wm. Pollard*, Bridgwater, Somersetshire, carpenter, Feb. 1 at half-past 9,



County Court of Somersetshire, at Bridgwater.—*R. Ford*, Bristol, organist, Jan. 25 at half-past 10, County Court of Gloucestershire, at Bristol.—*Wm. Goodall*, Ashton-under-Hill, Gloucestershire, grazier, Feb. 16 at 11, County Court of Worcester-shire, at Evesham.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 2 at 10, before the CHIEF COMMISSIONER.*

*John Byrne*, Spa-terrace, Spa-road, Bermondsey, Surrey, fishmonger.—*Howard P. Williams*, Twickenham-common, Middlesex, grocer.—*Robert Shaw*, Great York-mews, Baker-street, Middlesex, coach painter.—*George Nicholls*, Warwick-lane, Newgate-street, City, butcher.—*Thomas Davis*, Dover-road, Newington, Surrey, shoe manufacturer.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 2 at 10, before Mr. Commissioner MURPHY.*

*Alfred Norton*, Sutton-street, Belvedere-road, Lambeth, Surrey, out of business.—*George T. Brown*, Brooksby's-walk, High-street, Homerton, Middlesex, commercial traveller.

*Feb. 3 at 11, before Mr. Commissioner PHILLIPS.*

*George Gosling*, Curtain-road, Shoreditch, Middlesex, baker.—*Robert Paterson*, West-street, Walworth, Surrey, gardener.

*Feb. 5 at 11, before Mr. Commissioner PHILLIPS.*

*George W. Day*, Seward-street, Goswell-street, Middlesex, out of business.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*James Lees*, Hurst-brook, near Ashton-under-Lyne, out of business, No. 79,095; *James H. Gartside*, assignee.—*John Austin*, Blackburn, woollen stock dealer, No. 78,979; *Wm. Jardine*, assignee.—*James Hopkinson*, Bury, out of business, No. 7920; *Robert Crossland*, assignee.—*John Milnes*, Rochdale, salesman to a wool merchant, No. 79,318; *Joseph Wilman*, assignee.—*Wm. W. Benson*, Preston, out of business, No. 79,256; *Thomas Breakell*, assignee.—*Wm. Harrison*, Longsight, near Manchester, joiner, No. 79,244; *R. Carwen*, assignee.—*John Watson*, Manchester, out of business, No. 79,293; *Peter James* and *Mary Lemon*, assignees.—*James Casey*, Preston, out of business, No. 79,292; *James Duckett*, assignee.—*Hugh Spencer*, Walton-le-Dale, near Preston, licensed victualler, No. 79,103; *M. Noblett*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, Feb. 2 at 11.*

*Thomas Salisbury*, Prestwich, near Manchester, out of business.—*John G. Bateman*, Manchester, bookkeeper.—*J. Livey*, Salford, licensed victualler.—*Samuel Woodall*, Altrincham, near Manchester, out of business.—*David Evans*, Liverpool, dealer in paper hangings.—*Wm. Brown*, Manchester, ivory turner.—*Edward Jones*, Manchester, tobaccoconist.—*W. Pouls*, Blackburn, out of business.—*Benjamin Shaw*, Manchester, out of business.—*Abraham Dobson*, Fairfield, near Manchester, out of business.—*Wm. Crone*, Rochdale, dealer in tents.—*John Langford*, Ashton-under-Lyne, out of business.—*Morris Jacoby*, Manchester, auctioneer.—*J. Nuttall*, Rochdale, out of business.—*Wm. Hunt*, Manchester, out of business.—*Samuel Barrett*, Great Bolton, out of business.—*Wm. L. Cocker*, Bolton-le-Moors, out of business.—*Josiah Wright*, Liverpool, out of business.—*Charles J. L. Marklove*, Birkenhead, near Liverpool, out of business.—*Robert John Ashworth*, Ramsbottom, near Bury, out of business.—*Charles F. Kenworthy*, Levenshulme, near Manchester, retail dealer in ale.—*Thomas Fitchey*, Salford, joiner.—*Lawrence Ingham*, Blackley, near Manchester, grocer.—*James Conroy*, Manchester, grocer.—*John Winstanley*, Manchester, beer seller.—*John Kay*, Manchester, brewer.—*Frederick Hitchins*, Hulme, Manchester, grocer.—*Edwin Fowden*, Manchester,

brewer.—*Alexander Fleck*, Salford, bleacher.—*E. Whittaker*, Bury, blacksmith.—*Richard Kirkman*, Bolton-le-Moors, manufacturer of cotton sheets.—*Wm. Hulliswell*, Farnworth, near Bolton-le-Moors, out of employment.—*Thos. Higgins*, Preston, tailor.—*Abraham Whitworth*, Rochdale, beer seller.

*At the County Court of Lincolnshire, at LINCOLN, Feb. 6 at 12.*

*David Duke*, Caistor, travelling draper.

*At the County Court of Gloucestershire, at BRISTOL, Feb. 8 at half-past 10.*

*James Pearce*, Bristol, assistant to a confectioner.

*At the County Court of Warwickshire, at WARWICK, Feb. 19.*

*Wm. Daniels*, Birmingham, out of business.—*C. Grove*, Bromford, near Birmingham, out of business.—*Wm. Beynon*, Birmingham, foreman to a stamper.—*James King*, Birmingham, out of business.

## TUESDAY, JANUARY 23.

### BANKRUPTS.

**JOHN STEVENS**, Fetter-lane, London, cheesemonger, dealer and chapman, Feb. 6 and March 6 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Clarke & Jackson, 29, Bedford-row, London.—Petition filed Jan. 18.

**EDWARD MURUS**, Maidstone, Kent, licensed victualler and hotel keeper, Feb. 2 at 2, and March 6 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Morgan, Maidstone, Kent; Nicholls & Doyle, 2, Verulam-buildings, Gray's-inn, London.—Petition filed Jan. 16.

**WILLIAM PEARCE**, Clerkenwell, Middlesex, gas fitter, dealer and chapman, Feb. 2 at 11, and March 2 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Cowper & Hodgson, 3, Verulam-buildings, Gray's-inn.—Petition filed Jan. 20.

**HENRY BINNELL HARRIS**, Shrewsbury, Shropshire, draper, Feb. 2 and 23 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Mottram & Knight, Birmingham.—Petition dated Jan. 17.

**HENRY SPENCER**, Ross, Herefordshire, linendraper, haberdasher, shoe seller, hosier and glove dealer and chapman, Feb. 7 and 28 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Wilkes, Gloucester; Hodgson, Birmingham.—Petition dated Jan. 18.

**JAMES LUCAS**, Stroud, Gloucestershire, cheese factor, dealer and chapman, Feb. 5 and March 5 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Edwards & Preston, Stroud, Gloucestershire; Abbot & Lucas, Bristol.—Petition filed Jan. 20.

**JOHN WARD**, Penistone, Yorkshire, surgeon and apothecary, and also lately carrying on trade at Kilpin Pike, Howden, Yorkshire, coal merchant, dealer and chapman, Feb. 9 and March 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Dunning & Key, Leeds.—Petition dated Jan. 18.

**JOHN COXON**, Macclesfield, Cheshire, butcher, licensed victualler and coach proprietor, dealer and chapman, Feb. 6 and 27 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Slater & Heelis, Manchester.—Petition filed Jan. 19.

**THOMAS ESCOLASTICO PEARSON**, Seaton Carew and West Hartlepool, Durham, merchant, dealer and chapman, Jan. 29 and Feb. 28 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Griffith & Crighton, Newcastle-upon-Tyne.—Petition filed Jan. 12.

### MEETINGS.

*Thomas Webb*, West Ham-lane, Essex, distiller, Feb. 6 at half-past 12, Court of Bankruptcy, London, last ex.—*Alfred Reynolds*, Birmingham, iron merchant, Feb. 9 at 12, District Court of Bankruptcy, Birmingham, last ex.—*Thomas Finchett* and *William Finchett*, Chorlton-upon-Medlock, Manchester, brewers, Feb. 7 at 12, District Court of Bankruptcy, Manchester, last ex.—*Edward Tregenza*, Stockton-upon-Tees, Durham, shoe dealer, Feb. 16 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Edmund Short*, Blandford Forum, Dorsetshire, horse dealer, Feb. 7 at 2, Court of Bankruptcy, London, aud. ac.; Feb. 13 at half-past 11, div.—*George Baseks*, St. George's-place, Knightsbridge,



Middlesex, tobacconist, Feb. 7 at half-past 1, Court of Bankruptcy, London, and. ac.; Feb. 13 at 12, div.—*R. Jackson*, Lombard-street, London, ship owner, Feb. 12 at half-past 11, Court of Bankruptcy, London, and. ac.—*Charles Lambourn*, Long Ditton, Surrey, barge builder, Feb. 12 at 1, Court of Bankruptcy, London, and. ac.—*John Winkfield*, Greenwich, Kent, cement merchant, Feb. 3 at 12, Court of Bankruptcy, London, and. ac.; Feb. 16 at 12, div.—*James Thomas Snow*, Pollen-st., Maddox-st., Hanover-square, Middlesex, butcher, Feb. 13 at 1, Court of Bankruptcy, London, and. ac.—*Wm. Wilson*, Newcastle-upon-Tyne, scrivener, Feb. 13 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*John Robinson*, Hexham, Northumberland, carrier, Feb. 9 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Feb. 13 at 11, div.—*John Filles* and *Robert Filles*, Newcastle-upon-Tyne, Northumberland, and Gateshead, Durham, tea dealers, Feb. 20 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Feb. 22 at 12, div.—*John Strachan*, Newcastle-upon-Tyne, common brewer, Feb. 9 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Feb. 15 at half-past 12, fin. div.—*John Burgoyne Pillin* and *George Alfred Pillin*, Featherstone-buildings, Holborn, Middlesex, sword cutlers, Feb. 13 at half-past 12, Court of Bankruptcy, London, fin. div.—*Geo. B. Medley*, Highbury-park North, Islington, Middlesex, and Great Tower-street and Lloyd's Coffee-house, London, underwriter, Feb. 9 at 12, Court of Bankruptcy, London, div.—*Maria Benedicte Evans* and *Beresford Eytton*, Northumberland-street, Strand, Middlesex, navy agents, Feb. 15 at 11, Court of Bankruptcy, London, div.—*Thomas Nutter*, Cambridge, brewer, Feb. 16 at 1, Court of Bankruptcy, London, div.—*J. Greaves*, Fish-street-hill, London, leather seller, Feb. 13 at 12, Court of Bankruptcy, London, fin. div.—*Rich. Parker*, Hambro'-wharf, London, and Oxford, wharfinger, Feb. 13 at 1, Court of Bankruptcy, London, div.—*John Harrison*, Sunderland, Durham, licensed victualler, Feb. 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*T. Robinson*, Hexham, Northumberland, carrier, Feb. 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Feb. 22 at 11, fin. div.

## CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Winkfield*, Greenwich, Kent, cement merchant, Feb. 16 at half-past 12, Court of Bankruptcy, London.—*A. Devin* the younger, Red Lion-square, Holborn, Middlesex, wholesale jeweller, Feb. 14 at half-past 1, Court of Bankruptcy, London.—*C. S. Sasse*, High-street, Portland-town, Middlesex, baker, Feb. 16 at 1, Court of Bankruptcy, London.—*William West*, London-terrace, Hackney-road, Middlesex, linendraper, Feb. 16 at 1, Court of Bankruptcy, London.—*Thomas Hutchings* and *Wm. Hutchings*, Taunton, Somersetshire, curriers, Feb. 15 at 1, District Court of Bankruptcy, Exeter.—*John Vicry Jose*, Reeds, Poughill, Cornwall, coal merchant, Feb. 15 at 1, District Court of Bankruptcy, Exeter.—*James Sanders*, Darlaston, Staffordshire, ironmonger, Feb. 22 at half-past 10, District Court of Bankruptcy, Birmingham.—*J. B. Joyce*, Burnlem, Staffordshire, chemist, Feb. 22 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an appeal be duly entered.*

*Thomas Masterson*, Cheapside, London, warehouseman.—*George Beas*, Brighton, Sussex, livery-stable keeper.—*George E. Clapham*, Farringdon-street, London, licensed victualler.—*Richard Feirbourn*, Preston, Lancashire, wholesale grocer.—*Joseph Ridgway Thornton*, Godley and Hyde, Cheshire, cotton-waste dealer.—*Timothy Heyworth* and *Robert Crossley*, Egypt Mill, near Rawtenstall, Lancashire, cotton manufacturers.—*J. Clay*, Wednesfield, Staffordshire, timber merchant.

## SCOTCH SEQUESTRATIONS.

*James Kelt & Co.*, Glasgow, clothiers.—*Jar. Faulds & Co.*, Beith, merchants.—*John McCaull*, Stranraer, shoemaker.

## INSOLVENT DEBTORS

*Who have fled their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Cooper*, Lower Walton, Cheshire, farmer, Feb. 1 at 11, County Court of Lancashire, at Warrington.—*George Boswick*, Warrington, Lancashire, out of business, Feb. 1 at 11, County Court of Lancashire, at Warrington.—*William*

*Holden*, St. Helen's, Lancashire, tailor, Feb. 7 at 11, County Court of Lancashire, at St. Helen's.—*Jas. Fairley Barclay*, Kidderminster, Worcestershire, pattern designer, Feb. 21 at 10, County Court of Worcestershire, at Kidderminster.—*H. Adams*, Kidderminster, Worcestershire, grocer, Feb. 21 at 10, County Court of Worcestershire, at Kidderminster.—*John Leach Cave*, Northampton, builder, Feb. 7 at 10, County Court of Northamptonshire, at Northampton.—*Jas. Millard*, Northampton, carpenter, Feb. 7 at 10, County Court of Northamptonshire, at Northampton.—*William Smith James*, Gateshead, Durham, cooper, Feb. 12 at 10, County Court of Durham, at Gateshead.—*Baron Robson*, Gateshead, Durham, licensed victualler, Feb. 12 at 10, County Court of Durham, at Gateshead.—*J. Martin*, Margate, Kent, gentleman, Feb. 5 at 12, County Court of Kent, at Margate.—*J. Stacey*, Cheltenham, Gloucestershire, beer-house keeper, Feb. 21 at 10, County Court of Gloucestershire, at Cheltenham.—*H. King*, Cheltenham, Gloucestershire, innkeeper, Feb. 21 at 10, County Court of Gloucestershire, at Cheltenham.—*William Wall*, Penylan, St. Woollo, Monmouthshire, labourer, Feb. 7 at 12, County Court of Monmouthshire, at Newport.—*Isaac Rees*, Pillgwenly, near Newport, Monmouthshire, blacksmith, Feb. 7 at 12, County Court of Monmouthshire, at Newport.—*J. Reynolds*, Salwarpe, Worcestershire, out of business, Feb. 20 at 10, County Court of Worcestershire, at Droitwich.—*Nathaniel Wood*, Reading, Berkshire, tailor, Feb. 13 at half-past 10, County Court of Berkshire, at Reading.—*Richard Brunson*, Reading, Berkshire, plumber, Feb. 13 at half-past 10, County Court of Berkshire, at Reading.—*James Coshead*, Reading, Berkshire, grainer, Feb. 13 at half-past 10, County Court of Berkshire, at Reading.—*John Dana*, Brighton, Sussex, cooper, Jan. 27 at 10, County Court of Sussex, at Brighton.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 6 at 10, before the CHIEF COMMISSIONER.*

*Alfred Wm. Jenden*, Rochester-row, Westminster, Middlesex, beer-shop keeper.—*W. Howard*, Weymouth-street, New Kent-road, Southwark, Surrey, general-shop keeper.—*S. G. Fox*, Park-street, Camden-town, Middlesex, clerk to a coal merchant.—*John Missenden*, Caledonian-street, King's-cross, Islington, Middlesex, milkman.

*Feb. 7 at 10, before the CHIEF COMMISSIONER.*

*Thomas Bartholomew*, Essex-place, Grange-road, Dalston, Middlesex, commercial traveller.

*March 8 at 11, before Mr. Commissioner PHILLIPS.*

*Charles Holmes*, Upper Manor-street, King's-road, Chelsea, Middlesex, plumber.—*Charles Banbery*, Camberwell-green, Camberwell, Surrey, beer-shop keeper.—*R. Crossbie*, Newland-street, Kensington, Middlesex, painter.—*J. Burley*, St. John's-wood, Middlesex, nurseryman.—*J. Cooper*, Southwark-bridge-road, Surrey, beer-shop keeper.—*W. S. Hersey*, Bromley, Middlesex, bricklayer.—*George Wood*, Royal-hill, Queen's-road, Bayswater, Middlesex, shoemaker.—*T. Mills*, High-street, Poplar, Middlesex, carpenter.—*Matthew Gargan*, Lillington-street, Belgrave-road, Pimlico, Middlesex, painter.—*James Bellaers*, Nile-street, Hoxton New-town, Shoreditch, Middlesex, surgeon.

*Saturday, Jan. 20.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Thomas Madder*, Lambeth-walk, Lambeth, Surrey, grocer, No. 64,814 T.; Samuel Lindsey, assignee.—*John Barrow Lloyd*, Neas, near Neston, and Tranmere, Cheshire, joiner, No. 68,638 C.; Charles H. Steele, assignee.—*Thos. Convery*, Brighton, Sussex, tobacconist, No. 79,143 C.; John Carter, assignee.—*Samuel Pearson*, Stump Cross, Morley, near Leeds, Yorkshire, woollen cloth manufacturer, No. 79,177 C.; John Wade, assignee.—*George C. Player*, Westbourne-grove North, Paddington, Middlesex, builder, No. 64,851 T.; Wm. King, assignee.—*Wm. Hickling* the elder, Postland, Lincolnshire, in no business, No. 79,165 C.; Edward Key and Joseph Marfleet, assignees.—*Thomas Batty*, Mortonley, Ecclefield,

near Sheffield, Yorkshire, farmer, No. 79,039 C.; Thomas Peel, assignee.

*Saturday, Jan. 20.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Frederick Streker*, Salisbury-terrace, Ball's-pond-road, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Wm. Marks*, Blenheim-terrace, St. John's-wood, Middlesex, dealer in coals: in the Debtors Prison for London and Middlesex.—*Samuel Bennett*, Regent-street, Middlesex, tailor: in the Queen's Prison.—*Wm. Redkiss*, New-street, Dorset-square, Middlesex, assistant to a perfumer: in the Debtors Prison for London and Middlesex.—*Joseph Cooper*, Friar-street, Southwark, Surrey, baker: in the Debtors Prison for London and Middlesex.—*Henry R. Tyler*, Staines, Middlesex, coachmaker: in the Debtors Prison for London and Middlesex.—*Peter Gaze*, Great Windmill-street, St. James's, Westminster, tobaccoist: in the Debtors Prison for London and Middlesex.—*W. L. Hatton*, Goswell-terrace, Goswell-rd., Middlesex, collecting clerk to a linendraper: in the Debtors Prison for London and Middlesex.—*Charles Farrar*, Queen's-road West, Chelsea, Middlesex, oil refiner: in the Debtors Prison for London and Middlesex.—*James Rayner*, Mildmay-street, Ball's-pond, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Jules George Kammerer*, Cranbourne-street, Leicester-square, Middlesex, licensed victualler: in the Queen's Prison.—*C. D. G. H. Köpke*, Gracechurch-street, London, commission agent: in the Debtors Prison for London and Middlesex.—*Thomas Lloyd*, York-road, Lambeth, Surrey, captain of militia: in the Queen's Prison.—*Thomas Deane*, Palace New-road, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—*J. Hutchinson*, Moreton-terrace, Belgrave-road, Pimlico, Middlesex, out of business: in the Queen's Prison.—*Barry O'Meara Mullins*, Gray's-inn-lane, Holborn, Middlesex, licensed victualler: in the Queen's Prison.—*George Smith* the younger, Western Green, Thames Ditton, Surrey, assistant to a commission agent: in the Debtors Prison for London and Middlesex.—*Archibald Douglas*, Brighton, Sussex, gentleman: in the Queen's Prison.—*William James Cox*, King-street, Southwark, Surrey, hat maker: in the Gaol of Surrey.—*Henry H. Eames*, Richmond-road, Caledonian-road, Islington, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Simeon Morris*, Essex-street, Strand, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*William Leach Cocker*, Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—*Samuel Barrett*, Great Bolton, Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—*John Kay*, Gorton, near Manchester, ale brewer: in the Gaol of Lancaster.—*Charles Y. Kenworthy*, Levenshulme, near Manchester, fustian finisher: in the Gaol of Lancaster.—*James Conroy*, Manchester, grocer: in the Gaol of Lancaster.—*Thomas Fitchey*, Salford, Lancashire, joiner: in the Gaol of Lancaster.—*Ellis Whittaker*, Bury, Lancashire, blacksmith: in the Gaol of Lancaster.—*William Halliwell*, Farnworth, near Bolton-le-Moors, Lancashire, out of employment: in the Gaol of Lancaster.—*Thomas Higgins*, Preston, Lancashire, tailor: in the Gaol of Lancaster.—*E. Fowden*, Manchester, brewer: in the Gaol of Lancaster.—*John Winstanley*, Manchester, beer seller: in the Gaol of Lancaster.—*Frederick Hitchins*, Hulme, Manchester, grocer: in the Gaol of Lancaster.—*Richard Kirkman*, Bolton-le-Moors, Lancashire, beer seller: in the Gaol of Lancaster.—*Alexander Fish*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Abraham Whitworth*, Rochdale, Lancashire, beer seller: in the Gaol of Lancaster.—*L. Ingham*, Blackley, near Manchester, grocer: in the Gaol of Lancaster.—*Wm. Cantherington*, Dudley, Worcestershire, grocer: in the Gaol of Warwick.—*John Winterburn*, Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—*Giles Lever*, Liverpool, tripe dresser: in the Gaol of Lancaster.—*Josiah Wright*, St. Helens, Lancashire, coach builder: in the Gaol of Lancaster.—*Michael Jerdein*, Dover, Kent, out of employ: in the Gaol of Dover.—*Ignatius Francis Coyle*, Dover, Kent, out of employ: in the Gaol of Dover.—*Charles J. L. Marklove*, Hereford, commission agent: in the Gaol of Lancaster.—*James P. Lucas*, Halesowen, Worcestershire, out of business: in the Gaol of Worcester.—*Edward Tucker*, Wimpole-street, Cavendish-square, Middlesex, bill broker:

in the Gaol of Dover.—*Ellen Banks*, spinster, Hindley, near Wigan, Lancashire: in the Gaol of Lancaster.—*J. Hodgson*, Gateshead, Durham, out of business: in the Gaol of Durham.—*Joseph R. Simpson*, Sheffield, Yorkshire, cutlery manufacturer: in the Gaol of Sheffield.—*Mordecai R. Maythorn*, Halstead, Essex, coach builder: in the Gaol of Maidstone.—*James Deas*, Chatham, Kent, plumber: in the Gaol of Maidstone.—*Thomas Robbins* the younger, Buckland, near Dover, Kent, watchmaker: in the Gaol of Maidstone.—*John S. C. Wilcock*, Gravesend, Kent, travelling on commission: in the Gaol of Maidstone.—*Alexander Kiscock*, Rochford, Essex, travelling with tea: in the Gaol of Springfield.—*John Duval*, Huddersfield, Yorkshire, out of business: in the Gaol of York.—*Thomas Cooper*, Exeter, licensed victualler: in the Gaol of Exeter.—*Solomon Elmer*, Exeter, optician: in the Gaol of Exeter.—*John Jarman*, Newnham, Ely, Cambridgeshire, rope maker: in the Gaol of Cambridge.—*Thomas R. Burdis*, South Shields, Durham, glassblower: in the Gaol of Durham.—*Frederick Boreman*, Dover, Kent, tailor: in the Gaol of Dover.—*John Taylor*, Longsight, near Manchester, joiner: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 6 at 10, before the CHIEF COMMISSIONER.*

*Silvanus J. W. Stokes*, High-street, Shadwell, Middlesex, grocer.—*Joseph Dunkley Gates*, Mount Pleasant, Brixton-hill, Surrey, smith.—*Wm. Brooks*, Drury-lane, Middlesex, out of business.

*Feb. 6 at 10, before Mr. Commissioner MURPHY.*

*Samuel Seaborne*, Upper Berkeley-street, Portman-square, Middlesex, servant of one of the colleges in the University of Oxford.

*Feb. 7 at 10, before the CHIEF COMMISSIONER.*

*Robert A. Tucker*, Brudenell-place, New North-road, Hoxton, Middlesex, coal dealer.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, Feb. 6 at 12.*

*James Dean*, Chatham, plumber.—*George Calvert*, Rochester, out of business.—*Thomas Robbins* the younger, Buckland, near Dover, watchmaker.—*John S. C. Wilcock*, Gravesend, travelling on commission.—*Mordecai R. Maythorn*, Halstead, Essex, coach builder.

*At the County Court of Yorkshire, at SHEFFIELD, Feb. 8 at 12.*

*Joseph R. Simpson*, Sheffield, cutlery manufacturer.

*At the County Court of Kent, at DOVER, Feb. 8 at 11.*

*Ignatius F. Coyle*, Dover, in no profession.—*E. Tucker*, Wimpole-street, Cavendish-square, Middlesex, bill broker.—*Michael Jerdein*, Dover, out of employ.—*Frederick Boreman*, Wellington-street North, Strand, Middlesex, tailor.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, Feb. 9.*

*Henry Laybourn*, Kingston-upon-Hull, insurance broker.

*At the County Court of Essex, at CHELMSFORD, Feb. 10.*

*Sirach Hughes*, Tillingham, carpenter.

*At the County Court of Leicestershire, at LEICESTER, Feb. 14.*

*Henry Wain*, Leicester, wood cleaver.

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\* \* All orders for advertisements must be sent to Maxwell & Co., 31, Nicholas-lane, Lombard-street, London, to whom all applications respecting their insertion should be addressed.

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## THE JURIST.

LONDON, FEBRUARY 3, 1855.

THE question what is a "cause of action" within the meaning of the County Court Act has been before our superior courts on several recent occasions. It has arisen under sect. 60 of the stat. 9 & 10 Vict. c. 95, by which a summons may issue, by leave of the judge, into what may be called "a foreign district," although the defendant does not reside there, provided the cause of action arose within it. These words, it will be observed, differ from those which are used in the concurrent clause, (sect. 128), which entitles the plaintiff to sue in the superior courts when the cause of action did not wholly, or in some material point, arise within the district in which the defendant dwells. Accordingly it has been held, that the "cause of action" in the former section means *whole* cause of action, and unless it wholly arise in the foreign district, the judge has no jurisdiction to try it. It is therefore analogous to the cause of action upon application to change the venue on the common affidavit, viz. that the cause of action arose wholly in the county to which it is sought to change the venue; or to the cause of action within the old inferior jurisdictions, in which case it was necessary to allege every material traversable fact to have occurred within it. (Com. Dig., "Courts," P. (9); *Peacock v. Bell*, 1 Wms. Saund. 74 a). It also appears to resemble the "cause of action" within the Statute of Limitations, 21 Jac. 1, c. 16, which means a *complete*, and not merely an inchoate, cause of action.

No. 4, VOL. I., NEW SERIES.

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The latest case upon this subject is that of *Hernaman v. Smith*, in the Exchequer, on Saturday last. The action was brought "by leave," under the 60th section, in the Newnham district of the Gloucestershire County Court, to recover a reward for the apprehension of a felon. It appeared that a placard had been issued by the defendant offering the reward "for the apprehending" of the felon, and it contained the words "payment to be made on conviction." The apprehension was shewn to have taken place in Newnham, but the conviction took place in Hereford, out of the Newnham district. The Court held, that the conviction was part of the cause of action, and therefore that it did not arise wholly within the Newnham district, and granted a writ of prohibition. The grounds of the judgment appear to have been, that the plaintiff could not recover until conviction, that the Statute of Limitations would not run until that time, and that in an action in the superior courts the plaintiff must have alleged that such conviction had taken place—an allegation which was material and traversable. The Court fully recognised and acted upon the decision in the Common Pleas a few days previously, (*Walton v. Borthwick*, Jan. 22), in which an order for goods having been given in Oxford to a traveller for a Manchester house, and the goods having been sent from Manchester by railway, according to the defendant's request, it was held, that the whole cause of action did not arise, under the section in question, in Manchester. The order was a verbal one, although required by the Statute of Frauds to be in writing, the value of the goods being above 10l.; but this did not, we understand, affect the deci-

sion, which proceeded on the ground that the sale or order was a part of the cause of action.

In *Re Fuller* (2 El. & Bl. 575) an action was brought in the county court for a legacy against an administrator. The plaintiff claimed under a will which had been made, and the testator had died, in district A., but the executor had renounced, and letters of administration had been granted to the defendant in district B. The Court of Queen's Bench held, that the grant of the letters of administration was a part of the cause of action. Crompton, J., cited the case of *Murray v. The East India Company*, (5 B. & Ad. 204), which was a decision to the effect, that in an action by an administrator on a bill of exchange payable to the intestate, but accepted after his death, the Statute of Limitations ran only from the time of the grant of the letters of administration, as until that period there was no person in existence capable of suing on the bill.

In *Buckley v. Hann* (5 Exch. 43) a bill of exchange had been drawn and accepted, and the indorser had put his name upon it in the city of London, but he delivered it to the indorsee in Middlesex. It was held that the cause of action in the indorsee against the acceptor did not arise wholly in the city, because there was no indorsement until delivery. (See *Marston v. Allen*, 8 M. & W. 494). Part of the cause of action is the acceptance, and therefore the action cannot be brought by leave in the district in which the bill was delivered or issued, where it is a different one from that in which it was accepted. (*Wilde v. Sheridan*, 16 Jur., part 1, p. 426; S. C., nom. *Re Birch*, 1 B. C. 56\*.)

To these decisions may be added that of *Barnes v. Marshall*, (16 Jur., part 1, p. 1086; 21 L. J., Q. B., 388), in which the facts were as follow:—A carrier and wharfinger at Swindon agreed with M., who lived in Surrey, to barge timber from Swindon Wharf to London. It was necessary to haul the timber from where it lay to be loaded in the barges. A plaint was brought in the Swindon district, by leave, against M., and included two items for hauling. It was held that the hauling and carriage constituted but one cause of action, which did not arise until the delivery of the timber in London; therefore that there was no jurisdiction to try the case in the Swindon district.

### NOTES OF THE WEEK.

The Court of Exchequer (Jan. 26) have made the rule absolute for a new trial in the case of *Boyle v. Wiseman*, deciding that the Chief Baron was wrong in refusing to allow the defendant to be examined, and in rejecting secondary evidence of a letter in the possession of a person out of the jurisdiction, and which the plaintiff had used due diligence to obtain.

For the decision of the same Court (Jan. 27) upon the "cause of action" in sect. 60 of stat. 9 & 10 Vict. c. 95, see Leading Article.

Several cases of importance have been decided upon the subject of interrogatories, for which we refer our readers to the Reports in our present Number.

In *Reg. v. Hicks* (Q. B., Jan. 25) the defendant had

been convicted of an offence against the Market Act of Torquay, in Devon, upon an information laid by one of the inhabitants not connected with the Market Company, to whom the penalty was to be paid. The Court held, upon the construction of the act, that the Market Company only could lay the information.

In *Reg. v. Frere* (Q. B., Jan. 24) it appeared that the Eastern Union Railway Company, on account of competition, charged a less fare for travelling from A. to C., sixty miles, than from A. to B., forty miles of the sixty. The defendant, knowing this, paid for a ticket from A. to C., but got out at B. A conviction against him, under a bye-law of the company, for entering a carriage without paying the fare, was quashed.

In *Jenkins v. Beetham* (C. P., Jan. 31) it has been held, that although surveyors of ecclesiastical property, employed to value as between outgoing and incoming tenants, need not have an accurate knowledge of the law, or therefore of the rule laid down in very recent judicial decisions, yet they should have an accurate knowledge of the principle of valuing ecclesiastical property, as such, between incoming and outgoing tenants.

Sir Fitzroy Kelly has moved (Q. B., Jan. 31) for the renewal of the certificate of Mr. W. H. Barber. He stated that the motion was made on new matter of so important a character, that he could not but entertain a confident hope that the application would be successful. The second day of next term was appointed for the motion.

In *Re Bates*, (Jan. 27), Mr. Commissioner Phillips has decided, after consultation with Mr. Commissioner Murphy, that no bankrupt shall be allowed to apply to the Insolvent Court until he has obtained his certificate.

The conflict of jurisdictions between county courts and the insolvent court has been settled by Mr. Commissioner Murphy, (*Re Christy*, Jan. 26), so far as he is concerned, by his refusing to interfere on behalf of a person committed by a county court judge in respect of a debt from which he had been discharged in the insolvent court. The learned commissioner acted upon *Abley v. Dale*, (16 Jur., part 1, p. 427), in which the Court of Common Pleas had decided, that in such cases the county court had jurisdiction under sect. 98 of stat. 9 & 10 Vict. c. 95, and might commit the defendant as upon an unsatisfied judgment. The Court of Queen's Bench, upon an application to discharge the defendant, (Jan. 31), expressed an opinion in favour of the ruling in the case in the Common Pleas.

The conflict between the powers of coroner, magistrate, and commissioner of police, as to the custody of a prisoner, has been again brought before the public in the case of Baranelli, charged with the murder of Joseph Latham.

In *Reg. v. The Inhabitants of Fulford* (Bail Court, Jan. 30) an application for a certiorari to remove an indictment for non-repair of a highway was refused, because the affidavit did not state that a fair and impartial trial could not be had in the court below, or that some question of more than usual difficulty and importance was likely to arise on the trial, or that a view of the premises was required, or that a special jury was necessary for a satisfactory trial. One or other of these allegations is required by a statute where *a priori* no mention of the subject would have been expected, viz. that for preventing aggravated assaults upon women and children, (16 & 17 Vict. c. 30, s. 4).

In the Admiralty Court, (Jan. 27), Dr. Lushington has given judgment in one of the Baltic blockade cases, *The Franciska*, a Danish schooner, which had been captured while endeavouring to enter a blockaded port. Restitution was claimed on the grounds (*inter alia*) that the blockade had been neither a legal nor an effective

\* In which Coleridge, J., cited the words of Paul Voet, with reference to the *lex loci contractus* in such case—"Quid si de literis cambii incidat questio; quis locus erit spectendus? In spectendus est locus, ad quem sunt destinatæ, et ibidem acceptatæ."

one, and also that the vessels of Denmark and Sweden were entitled to special privileges under an old treaty. The learned judge, however, pronounced against the claim, first, because the blockade was notorious; and, secondly, because the master, having deposed falsely, and having been on his way with a full knowledge of the blockade, was deprived of any benefit from the treaty.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—As most legal subjects are undergoing more or less scrutiny and revision, would it not be very advantageous to the Profession and public to have a revision of our Stamp Laws, instead of act after act being session after session passed, and so much confusion added to a matter already very much confused?

Without expressing any opinion as to the merits or demerits of "codification" generally, surely there can be but one correct opinion as to the advantages to be derived from a codification of the numerous statutes relating to stamp duties. The subject is, from its very nature, one that could and should be reduced to a certain standard, and clear and concise tables framed which would tell at a glance what duty is applicable to any case.

None can deny that it is a subject of the greatest importance, nor that a remedy for the cure of the disease is very simple. The fact is patent to every practitioner in conveyancing, that after the greatest amount of pains has been expended in the preparation of his draft, he has considerable difficulty in deciding what stamp duties to mark upon it; and when his mind has arrived at a conclusion, it is with considerable doubt as to its correctness.

There is no denying that the act of the 13 & 14 Vict. was a boon to that portion of the public interested in the alienation of property, especially to small purchasers and mortgagors, and consequently very much increased the number of assurances; but it left many things untouched that should speedily be dealt with. By way of illustration, (if such be needed), I may mention an instance occurring to the conveyancer almost every day of his professional life, in the use of the so-called "common deed stamp." Now, 1*l.* 15*s.* is sadly too large an amount in very many small matters where that stamp is indispensable.

A case is this moment under my eye, where it becomes necessary to appoint a new trustee to property of very small amount, consisting of a freehold house and garden, and a leasehold piece of land, a simple conveyance and assignment of which would be subject only to an *ad valorem* duty of about 15*s.*; but the common deed stamp will be necessary; added to which, by a fiction of law, the legal estate in leaseholds cannot be divested from the old trustee, and vested in him and a new trustee, without a mesne or intermediate assignment, (as a use cannot be declared, as in the case of a freehold); so that an additional stamp will be required. This is a severe tax upon so small a fund for simply adding a new trustee.

You will excuse me drawing attention to a question which must necessarily suggest itself to the mind of every one having the most limited experience in this branch of the law; but I do so that your powerful aid may be invoked to bring about some efficient remedy for a palpable wrong.

I remain, Sir,

Your obedient servant,

W. H. S.

### REGULÆ GENERALES

*As to the Forms of Proceedings and Process, made pursuant to the Stat. 17 & 18 Vict. c. 31, s. 4, intitled "An Act for the better Regulation of the Traffic on Railways and Canals."*

[IN THE COMMON PLEAS AT WESTMINSTER.]

I. Every application made under this act to the Court shall be for a rule calling upon the company or companies complained of to shew cause why a writ of injunction should not issue against such company or companies, enjoining them to do, or to desist from doing, the thing required to be done, or the thing the doing of which is complained of by the company or person making such application; and every application made under this act to a judge at chambers shall be by summons, calling upon the company or companies complained of to shew cause in like manner, which summons shall be granted only upon affidavit, and upon a statement made to the judge, in like manner as upon an application to the Court for a rule to shew cause.

II. If, on the hearing of any such rule or summons, the court or judge shall think fit to direct and prosecute inquiries into the matter thereof, under the 3rd section of this act, the order for that purpose shall be in the following terms, or to the like effect, the rule or summons being enlarged until such further day as the court or judge shall think fit, in order that in the meantime such inquiries may be made and reported on:—

"In the Common Pleas.

"In the matter of the complaint of A. B. [or, of the — Company] against the — Company.—It is ordered that C. D., Esq., engineer, [or as the case may be], do forthwith make such inquiries into the matter of this complaint as may be necessary to enable the Court [or, the Honourable Mr. Justice —] to determine the same, and do report thereon to the Court [or, to the said Mr. Justice —] on or before the — day of — next.

"Dated this — day of —, 18—."

III. Office copies of all the affidavits filed by either party on the hearing of such rule or summons shall, at the expense of such party, be furnished to the person appointed to make such inquiries, within three days after the making of such order as aforesaid.

IV. The parties shall be entitled to be again heard by the court or judge upon the said report, but no fresh affidavits shall be allowed on such hearing, unless by leave of the court or a judge.

V. Every writ of injunction issued under this act shall be in the following form, or to the like effect:—

"Victoria, &c., to the — Company, their agents and servants, and every of them, greeting.—Whereas A. B. [or, the — Company] hath lately complained before us, in our Court of Common Pleas at Westminster, of a violation and contravention by you, the said company, of the Railway and Canal Traffic Act, 1854; that is to say, in [state the act or omission complained of]: and whereas, upon the hearing of such complaint, the same hath been found to be true: we do, therefore, strictly enjoin and command you, the said — Company, and your agents and servants, and every one of you, that you, and every one of you, do from henceforth altogether absolutely desist from [state the matter for the injunction where an act done is complained of] [or, that you, and every one of you, forthwith do (state the matter for the injunction where an omission is complained of)] until our said Court shall make order to the contrary. Witness, Sir John Jervis, Knight, at Westminster, the — day of —, in the year of our Lord 18—."

VI. If the court or judge shall think fit also to make an order directing the payment of a sum of money by the company or companies complained of, such order shall be in the following form, or to the like effect:—

“In the Common Pleas.

“In the matter of the complaint of — against the — Company.—It is ordered that the said — Company do pay to the said — [or, into court, to abide the ultimate decision of the Court in the matter of the said complaint, or, to the use of her Majesty] the sum of £— for every day after the — day of — instant that the said company shall fail to obey a certain writ of injunction dated this day, and issued against the said company at the instance of the said —.

“Dated this — day of —, 18—.”

VII. If such money be ordered to be paid into court, to abide the ultimate decision of the Court, the same shall, upon the ultimate decision of the Court being made, be paid out of court either to the party complaining, or to the use of her Majesty, or to the company by which the same was paid into court, as the court or judge shall direct.

JOHN JERVIS.  
W. H. MAULE.  
C. CRESSWELL.  
E. V. WILLIAMS.  
R. B. CROWDER.

Jan. 31, 1855.

#### GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

LINCOLN'S INN.—W. Smart, Esq., B.A.; John Stewart, Esq.; G. Williamson, Esq., M.A.; John Mirehouse, Esq., M.A.; E. B. Prest, Esq., B.A.; P. L. Schlater, Esq., M.A.; H. P. Wolrige, Esq., B.A.; John Grasett, Esq., M.A.; J. W. Turnbull, Esq., B.A.; C. A. Prescott, Esq., B.A.; W. F. Dury, Esq., B.A.

MIDDLE TEMPLE.—A. Legall, Esq.; L. C. Burt, Esq.; Henry Weston, Esq.; Robert Mackenzie, Esq.; John Gardiner, Esq.; William John Abram, Esq.; John Savill Vaizey, Esq.

INNER TEMPLE.—J. W. Slegg, Esq., B.C.L.; T. E. Chitty, Esq., B.A.; W. A. Nichols, Esq.; John Elliott, Esq.; F. K. H. Cock, Esq., M.A.; H. T. Cameron, Esq.; H. K. Hervey, Esq., B.A.; W. G. Saurin, Esq., B.A.

GRAY'S INN.—M. A. Augustin M'Donnell, Esq.; J. C. Cooper, Esq.

#### London Gazettes.

FRIDAY, JANUARY 26.

#### BANKRUPTS.

WILLIAM NEHEMIAH PARSSON, Gravel-lane, Southwark, Surrey, millwright and engineer, dealer and chapman, Feb. 8 at 2, and March 8 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Stevens & Satchell, Queen-street, Cheapside.—Petition filed Jan. 24.

ARCHIBALD NEVISON, Darlington, Durham, hosier, Berlin wool and smallware dealer, Feb. 3 at 2, and March 17 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Mewburn, Darlington; Roscoe, 14, King-street, Finsbury-square.—Petition dated Jan. 23.

GEORGE HALL, Brighton, Sussex, upholsterer, Feb. 3 at 2, and March 17 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated Jan. 25.

WILLIAM LUDLOW PALIN, Mortlake, Surrey, cooper, and Putney, Surrey, licensed victualler, Feb. 3 at 1, and March 17 at half-past 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Shineff & Son, 7, Lincoln's-inn-fields.—Petition dated Jan. 25.

JOHN RICHARD WEST, Canal-road, Kingsland, Middlesex, saw-mill proprietor and dealer in hard wood, dealer and chapman, Feb. 3 at 1, and March 10 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Stevens & Satchell, 6, Queen-street, Cheapside.—Petition dated Jan. 22.

SAMUEL GLOVER FAIRBROTHER, Bow-street, Covent-garden, Middlesex, printer, Feb. 6 at 11, and March 6 at half-past 11, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. West, 3, Charlott-row, Mansion-house, City.—Petition filed Jan. 22.

RICHARD BECK, Blackman-street, Southwark, Surrey, watch and clock maker, and dealer in jewellery, Feb. 6 at 12, and March 6 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Crafter, 168, Blackfriars-road, Surrey.—Petition filed Jan. 22.

GEORGE SMITH, Union-hall, Union-street, Southwark, hat and cap manufacturer, dealer and chapman, Feb. 10 at 11, and March 16 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Jones, 15, Sise-lane, Bucklers-bury.—Petition filed Jan. 22.

HENRY PHILLIPS, Bethnal-green-road, Middlesex, corn chandler, coal dealer, dealer and chapman, Feb. 9 at 11, and March 9 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Stevens & Satchell, 6, Queen-street, Cheapside, London; Wittey & Son, Colchester, Essex.—Petition filed Jan. 24.

JOSEPH BRADFORD, Coventry, Warwickshire, licensed victualler, Feb. 2 and March 2 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Dewes, Coventry; Motteram & Knight, Birmingham.—Petition dated Jan. 19.

DAVID ENOCH DAVIES, Pontypridd, Glamorganshire, grocer and draper, Feb. 7 and March 6 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol.—Petition filed Jan. 24.

GEORGE WARD, Bristol, victualler, and Clifton, Gloucestershire, lodging-house keeper, Feb. 6 and March 2 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Bevan & Girling, Bristol.—Petition filed Jan. 25.

RICHARD CALLARD, Devonport, Devonshire, coach proprietor, dealer and chapman, Feb. 5 and March 5 at 1, District Court of Bankruptcy, Plymouth: Off. Ass. Hirtzel; Sols. Beer & Rundle, Devonport.—Petition filed Jan. 18.

WALTER MILLIGAN, WILLIAM GANDY, and GEORGE GANDY, Bradford, Yorkshire, stuff merchants, dealers and chapmen, (carrying on business under the style or firm of Milligan, Gandy, & Co.), Feb. 16 and March 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wavell & Co., Halifax.—Petition dated Jan. 24.

SAMUEL GARRATT and HENRY BUCKLEY, Sand Mill, near Mottram in Longlendale, Cheshire, innkeepers and farmers, dealers and chapmen, Feb. 7 and March 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Petition filed Jan. 24.

JOHN WADSON, Montgomery, Montgomeryshire, innkeeper, draper, dealer and chapman, Feb. 7 and March 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Yearsley, Welshpool, Montgomeryshire; Rogerson & Peacock, Liverpool.—Petition filed Jan. 13.

JOHN WILLIAM SHAW, Liverpool, passenger broker, dealer and chapman, Feb. 7 and March 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan.—Petition filed Dec. 26.

#### MEETINGS.

Betty Baron, Henry Wm. Knowles, and James Heyworth, Bacup, Lancashire, manufacturers, Feb. 7 at 12, District Court of Bankruptcy, Manchester, last ex.—William Moss, Liverpool, cabinet maker, Feb. 5 at 12, District Court of Bankruptcy, Liverpool, last ex.—Wm. West, London-terrace, Hackney-road, Middlesex, linendraper, Feb. 16 at 1, Court of Bankruptcy, London, aud. ac.—Wm. Peacock, Budge-row, London, wholesale clothier, Feb. 16 at 12, Court of Bankruptcy, London, aud. ac.—George E. Fordyce, Astley's-row, Islington, Middlesex, plumber, Feb. 5 at 11, Court of Bankruptcy, London, aud. ac.—Wm. Brown, Great Russell-street, Covent-garden, Middlesex, linendraper, Feb. 9 at half-past 12, Court of Bankruptcy, London, aud. ac.—John B. Mercer, Bath, Somersetshire, carpenter, Feb. 22 at 11, District Court

of Bankruptcy, Bristol, and. ac.—*Antonio Mathe and Stephen Moore*, Liverpool, merchants, Feb. 9 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*John Garnett*, Liverpool, merchant, Feb. 9 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Cornelius Terry*, Birmingham, cut-nail manufacturer, Feb. 16 at half-past 10, District Court of Bankruptcy, Birmingham, and. ac.—*Wm. John Watson*, Upper Holloway, Middlesex, builder, Feb. 20 at 1, Court of Bankruptcy, London, div.—*Edward Buchler*, Cullum-street, London, merchant, Feb. 20 at half-past 1, Court of Bankruptcy, London, div.—*George Turner*, St. George's-place, North Brixton, Surrey, baker, Feb. 20 at 12, Court of Bankruptcy, London, div.—*N. M. Day and John Turner*, Bunhill-row, Middlesex, machine makers, Feb. 16 at half-past 1, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *N. M. Day*.—*H. Brett*, Portsea, Southampton, grocer, Feb. 16 at 11, Court of Bankruptcy, London, div.—*F. F. Vouillon*, Princess-street, Hanover-square, Middlesex, court milliner, Feb. 17 at half-past 1, Court of Bankruptcy, London, div.—*Benjamin Clark*, Gloucester-terrace, Hyde-park-gardens, Middlesex, dentist, Feb. 20 at 2, Court of Bankruptcy, London, div.—*John Hurley*, Birmingham, linendraper, Feb. 16 at 1, Court of Bankruptcy, London, div.—*John Thomas*, Upton-upon-Severn, Worcestershire, and Ledbury, Herefordshire, disaper, Feb. 7 at half-past 10, District Court of Bankruptcy, Birmingham, and. ac.; Feb. 21 at half-past 10, div.—*John Fulwood*, Birmingham, brass candlestick manufacturer, Feb. 16 at 12, District Court of Bankruptcy, Birmingham, div.—*S. Boulton and John Swindells*, Greenfield Works, near Holywell, Flintshire, spelter manufacturers, Feb. 16 at 11, District Court of Bankruptcy, Liverpool, div.—*Richard Jackson and Richard Yale*, Leeds, Yorkshire, engineers, Feb. 16 at 11, District Court of Bankruptcy, Leeds, fin. div.

## CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*F. H. Spanon*, Norwich, Norfolk, innkeeper, Feb. 22 at half-past 12, Court of Bankruptcy, London.—*H. Meadows*, Warboys, Huntingdonshire, draper, Feb. 22 at half-past 11, Court of Bankruptcy, London.—*Wm. Negus*, Bagnigge-wells-road, Middlesex, victualler, Feb. 20 at 11, Court of Bankruptcy, London.—*George Day*, Providence-buildings, New Kent-road, Surrey, builder, Feb. 16 at 12, Court of Bankruptcy, London.—*James Balding*, King's Arms-place, Old Kent-road, Surrey, hat manufacturer, Feb. 17 at half-past 11, Court of Bankruptcy, London.—*George John Philips*, Cannon-street West, London, hosier, Feb. 17 at 2, Court of Bankruptcy, London.—*James Turner*, High-street, Whitechapel, and John's-row, St. Luke's, Middlesex, cheesemonger, Feb. 17 at 12, Court of Bankruptcy, London.—*J. Bisley*, Southampton, carpenter, Feb. 16 at 1, Court of Bankruptcy, London.—*W. Cross*, Melville-place, Hackney, Middlesex, printer, Feb. 17 at 12, Court of Bankruptcy, London.—*Henry Wigg and Burton Smith*, Gresham-street West, London, commission agents, Feb. 17 at 1, Court of Bankruptcy, London.—*Wm. O. Tucker*, Threadneedle-street, London, sharebroker, Feb. 17 at 12, Court of Bankruptcy, London.—*Edward Castendieck*, Mincing-lane, London, ship agent, Feb. 16 at half-past 1, Court of Bankruptcy, London.—*John Abraham Rippon*, Lowth-cottages, Wellington-road, Camberwell, Surrey, cigar manufacturer, Feb. 16 at half-past 1, Court of Bankruptcy, London.—*Robert Thomas*, Wardour-street, Oxford-street, Middlesex, tool maker, Feb. 16 at 2, Court of Bankruptcy, London.—*Wm. Henry Bonfield*, Roughway, near Tunbridge, Kent, paper manufacturer, Feb. 17 at half-past 11, Court of Bankruptcy, London.—*Henry Brewer*, Ross, Herefordshire, innkeeper, Feb. 26 at 11, District Court of Bankruptcy, Bristol.—*Wm. Yates*, Liverpool, cotton broker, Feb. 16 at 11, District Court of Bankruptcy, Liverpool.—*F. A. Hutton*, Chesterfield, Derbyshire, auctioneer, Feb. 17 at 12, District Court of Bankruptcy, Sheffield.

*To be granted, unless an appeal be duly entered.*

*Wm. Wade*, Northampton, leather seller.—*Henry Bois*, Fenchurch-street, London, and Croydon, Surrey, merchant.—*John Dumble*, Sunderland, Durham, commission agent.—*John Fittes and Robert Fittes*, Newcastle-upon-Tyne, and Gatehead, Durham, tea dealers.

## SCOTCH SEQUESTRATIONS.

*Alexander Gillan*, Ballimore, Abernethy, farmer.—*James Robson*, Leith, merchant.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Knight*, Hereford, beer seller, Feb. 15 at 10, County Court of Herefordshire, at Hereford.—*Thomas Shippam*, Sheffield, Yorkshire, baker, Feb. 8 at 12, County Court of Yorkshire, at Sheffield.—*Nathaniel Thorn*, Eaton Bray, Bedfordshire, butcher, Feb. 14 at 12, County Court of Bedfordshire, at Leighton Buzzard.—*W. Parsons*, Leighton Buzzard, Bedfordshire, confectioner, Feb. 14 at 12, County Court of Bedfordshire, at Leighton Buzzard.—*Wm. Maguire*, Manchester, shoemaker, Feb. 12 at 12, County Court of Lancashire, at Manchester.—*William Jones* the elder, Manchester, barrack master, Feb. 12 at 12, County Court of Lancashire, at Manchester.—*Elizabeth Aronsky*, Chorlton-upon-Medlock, Manchester, Honiton lace dealer, Feb. 12 at 12, County Court of Lancashire, at Manchester.—*Samuel Rideal*, Hulme, Manchester, auctioneer, Feb. 12 at 12, County Court of Lancashire, at Manchester.—*Wm. Selless*, Chatham, Kent, green-grocer, Feb. 8 at 10, County Court of Kent, at Rochester.—*Wm. Pyke*, Lyme Regis, Dorsetshire, grocer, Feb. 22 at 10, County Court of Devonshire, at Axminster.—*Samuel Beesley* the younger, Oxford, licensed victualler, Feb. 9 at 11, County Court of Oxfordshire, at Oxford.—*John Cook*, Oxford, cook at Jesus College, Oxford, Feb. 9 at 11, County Court of Oxfordshire, at Oxford.—*Henry Pitts*, Upplowman, Devonshire, miller, Feb. 15 at 11, County Court of Devonshire, at Tiverton.—*Wm. Jeffries* the elder, Gray's Thurrock, Essex, auctioneer, Feb. 10 at 10, County Court of Kent, at Gravesend.—*Thomas Sowerby*, Messingham, Lincolnshire, tailor, Feb. 16 at 11, County Court of Lincolnshire, at Brigg.—*D. Curwood*, Bicton, Devonshire, servant, Feb. 13 at 10, County Court of Devonshire, at Exeter.—*George Wm. Branscombe*, Exeter, accountant, Feb. 13 at 10, County Court of Devonshire, at Exeter.—*George Brown*, Seaton Delaval, Northumberland, miner, Feb. 15 at 10, County Court of Northumberland, at North Shields.—*Fenwick Keith*, Seaton Delaval, Northumberland, miner, Feb. 15 at 10, County Court of Northumberland, at North Shields.—*James Heweth*, Seaton Delaval, Northumberland, miner, Feb. 15 at 10, County Court of Northumberland, at North Shields.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 9 at 10, before the CHIEF COMMISSIONER.*

*Charles Ambrose*, Georgiana-street, Camden-town, Middlesex, pianoforte tuner.—*James Muggerridge*, Herbert-street, Great Cambridge-street, Middlesex, out of business.

*March 7 at 10, before Mr. Commissioner MURPHY.*

*John Challis*, Beech-st., Barbican, Middlesex, beer retailer.—*James Ockmore*, High-street, Southwark, Surrey, shell-fish dealer.—*Josiah Chanter*, Berkeley-mews, Connaught-square, Edgeware-road, Middlesex, coachbuilder.—*Thomas Shouls*, Watney-street, Commercial-road East, Middlesex, beer-shop keeper.—*Henry Morehen*, Royal-street, Westminster-bridge-road, Lambeth, Surrey, foreman to cabinet makers.—*John Hinton*, Edward-street, Wharf-road, King's-cross, Middlesex, painter.—*Wm. I. Hill*, King-street, Covent-garden, Middlesex, hatter.—*Charles W. Barenger*, Green-street, Kentish-town, Middlesex, plumber.—*Wm. G. Reeve*, Elizabeth-street, Eaton-square, Fimlico, Middlesex, farrier.—*John T. Pasfield*, High-street, Wapping, Middlesex, chandler-shop keeper.—*John Ranson*, Little Prescott-street, Goodman's-fields, Middlesex, blacksmith.—*James B. Addis*, Union-court, Gravel-lane, Southwark, Surrey, edge-tool maker.—*Sarah C. Didier*, widow, Dorcas-buildings, High-street, Hammersmith, Middlesex, in no business.

*March 15 at 11, before Mr. Commissioner PHILLIPS.*

*John James M'Gregor* the elder, Great James-street, Bedford-row, Holborn, Middlesex, and Great Carter-lane, Doctors'-commons, London, surgeon.—*Edward Nichols Neary*, Lamb's Conduit-passage, Red Lion-street, Holborn, boot-maker.—*Valentine Rimell*, King-st., Hammersmith, Middlesex, butcher.—*Benjamin Cross*, St. Martin's-lane and Strand, Middlesex, clerk to a merchant.—*John William Skevington*,



Cambridge-street, Fimliao, Middlesex, butcher.—*Wm. James Skinner*, Old King-street, Deptford, Kent, baker.—*George Stephen Davies*, King-street, Clerkenwell, Middlesex, brass founder.—*John Searle*, Waterloo-road, Lambeth, Surrey, batterman.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 9 at 10, before Mr. Commissioner MURPHY.*

*Charles Allen Watson*, Greenhithe, Kent, stock dealer.

*Feb. 10 at 11, before Mr. Commissioner PHILLIPS.*

*Frederick Camell Chittock*, High-street, Portland-town, Middlesex, cheesemonger.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Essex, at CHELMSFORD, Feb. 10 at 12.*

*Alexander Kiscock*, Rochford, tea dealer.—*Charles Mann*, Colchester, drawer at an inn.

*At the County Court of Lancashire, at MANCHESTER, Feb. 12 at 12.*

*Samuel Hall*, Chorlton-on-Medlock, Manchester, soda-water manufacturer.

*At the County Court of Berkshire, at READING, Feb. 13.*

*Wm. Dawkes*, Hungerford, fishmonger.—*Thomas Pitker*, Newbury, horse dealer.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Samuel Dickinson Corbet Griswell*, Camden-square, St. Giles's, Camberwell, Surrey, retired superintendent of the police force: 7s. 6d. (making 11s. 10d.) in the pound.—*H. Davies*, Borough-road, Surrey, out of business: 6s. 6d. (making 8s. 2½d.) in the pound.—*Philip John James*, Kirby-street, Hatton-garden, Middlesex, bookbinder: 2s. 3d. in the pound.—*John Banks*, Waterloo, near Liverpool, architect: 2s. 6d. in the pound.—*Frederick Sturmer*, Howland-street, Fitzroy-square, Middlesex, clerk: 3s. in the pound.—*George Bower* the elder, Whittington, Derbyshire, farmer: 1s. 8½d. in the pound.—*Rachel Graves*, widow, Russell-place, Old Kent-road, Surrey: 2s. 1d. (making 20s.) in the pound.—*Joseph Burton*, Stamford, Lincolnshire, innkeeper: 10d. in the pound.—*Edward Hincliffe*, Kirkgate, Wakefield, Yorkshire, plumber: 2½d. in the pound.—*William Wood*, South Shields, Durham, joiner: 2d. in the pound.—*William Lucas*, New Wanstead, Essex, porter to the House of Commons: 8½d. in the pound.—*David George Thompson*, Oxford-street, Middlesex, engraver: 1s. 7d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn, London, between the hours of 11 and 3.*

*Robert Wright*, Gainsborough, Lincolnshire, carrier, at Hiley's, Gainsborough: 6½d. in the pound.

#### MEETING.

*Wm. Taylor White*, Leeds, Yorkshire, commercial traveller, Feb. 17 at 11, at Exchange-buildings, Land's-lane, Leeds, op. aff.

### TUESDAY, JANUARY 30.

#### BANKRUPTS.

**ROBERT DESMOND SULLIVAN**, formerly of Woodford, then of Roydon, Essex, and now of Great Yarmouth, Norfolk, shipowner, Feb. 8 at half-past 12, and March 8 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Watson & Son, Moorgate-street-chambers, London.—Petition filed Jan. 27.

**GEORGE BOYS**, Belitha-villas West, Barnsbury-park, Middlesex, wine merchant, dealer and chapman, Feb. 8 at half-past 1, and March 9 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Shearman & Slater, 23, Great Tower-street, London.—Petition dated Jan. 24.

**JAMES DANIEL**, Bugbrook, Northamptonshire, coal merchant and licensed victualler, Feb. 10 at half past 12, and March 16 at 11, Court of Bankruptcy, London: Off. Ass. Camman; Sol. Melton, 6, Bedford-row, Holborn.—Petition filed Jan. 27.

**THOMAS MASTERS**, Norwood, Surrey, hotel keeper, dealer and chapman, Feb. 5 and March 21 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Elmalie, No. 47A, Moorgate-street, London.—Petition dated Jan. 22.

**WILLIAM ROBERT SCHWONKE**, Union-court, Old Broad-street, London, commission merchant, dealer and chapman, (carrying on business under the firm of William Schwonke & Co.), Feb. 9 at 1, and March 13 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Hughes & Co., 17, Backlersbury, London.—Petition filed Jan. 27.

**WILLIAM RAVEN and JOSEPH RAVEN**, Fish-street-hill, London, wholesale stationers, dealers and chapman, (trading under the style or firm of John Raven & Co.), Feb. 10 at 12, and March 21 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Dyte, 6, King's Bench-walk, Temple.—Petition filed Jan. 29.

**WILLIAM HUGHES**, Shelton, Staffordshire, builder, dealer and chapman, Feb. 16 and March 9 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Moxon, Hanley; Smith, Birmingham.—Petition dated Jan. 22.

**JOHN LATIMER**, Newcastle-under-Lyne, Staffordshire, draper and tea dealer, dealer and chapman, Feb. 12 and March 5 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Hyatt & Dutton, Newcastle-under-Lyne; Hodgson, Birmingham.—Petition dated Jan. 29.

**GEORGE BAILEY**, Walsall, Staffordshire, innkeeper, dealer and chapman, Feb. 16 and March 9 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Watson, West Bromwich; Hodgson, Birmingham.—Petition dated Jan. 22.

**WILLIAM GRAINGER**, Dudley, Worcestershire, builder and licensed victualler, dealer and chapman, Feb. 12 and March 5 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Watson, West Bromwich; Hodgson, Birmingham.—Petition dated Jan. 18.

**EDMUND LLOYD OWEN**, Tettenhall-road, near Wolverhampton, Staffordshire, mineral merchant, dealer and chapman, (carrying on business at Wolverhampton), Feb. 15 and March 8 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Hoyle & Marsh, Rotherham; Hodgson, Birmingham.—Petition dated Jan. 16.

**JOHN PHILLIPS**, Drimpton, Broadwinsor, Dorsetshire, baker, Feb. 8 and March 8 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Lowman, Cwkerne; Stogdon, Exeter.—Petition filed Jan. 22.

**JOHN HARRIS**, Torquay, Devonshire, grocer, Feb. 8 and March 8 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Daw, Exeter.—Petition filed Jan. 24.

**THOMAS RAMSDEN and WILLIAM BRADFORD BAXTER**, Bailiffe Bridge, Yorkshire, worsted spinners and manufacturers, dealers and chapman, (carrying on business under the style or firm of Ramsden & Baxter), Feb. 20 and March 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Wavell & Co., Halifax.—Petition dated Jan. 23.

**THOMAS HODSON HODSON**, Peckforton, near Beeston, Cheshire, cattle and sheep dealer and cowkeeper, dealer and chapman, Feb. 13 and March 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Banaer, Liverpool.—Petition filed Jan. 26.

**WILLIAM RENNIE, JAMES JOHNSON, and WILLIAM RANKIN**, Liverpool, shipwrights, (trading under the firm of Rennie, Johnson, & Rankin), Feb. 9 and March 8 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Yates, jun., Liverpool.—Petition filed Jan. 26.

**JAMES SIDEBOTHAM**, Manchester, grocer and tea dealer, dealer and chapman, Feb. 13 and March 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Harding, Manchester.—Petition filed Jan. 15.

**JOHN RICHARDSON**, Manchester, umbrellas manufacturer, dealer and chapman, (trading under the firm of John Richardson & Co.), Feb. 15 and March 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Cobbett & Wheeler, Manchester.—Petition filed Jan. 26.

#### MEETINGS.

*Nicholas Mason Day and John Turner*, Bunhill-row, Middlesex, machine makers, Feb. 9 at 11, Court of Bankruptcy, London, aud. ac.—*Henry Brett*, Portsea, Southampton, grocer, Feb. 9 at 12, Court of Bankruptcy, London, aud. ac.—*Peter Smith*, Bridport-place, Horton, Middlesex, licensed

victualler, Feb. 10 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Edward Cairns*, Newport, Monmouthshire, corn merchant, Feb. 15 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Thomas Norbury* and *Richard Bindloss*, Manchester, silk manufacturers, Feb. 14 at 12, District Court of Bankruptcy, Manchester, aud. ac., and Feb. 21 at 12, fin. div. sep. est. of *Richard Bindloss*.—*Thomas Fenwick* and *R. Kidd*, Tynemouth, Northumberland, common brewers, Feb. 22 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Entwistle*, Carlisle, Cumberland, builder, Feb. 27 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Feb. 28 at 11, div.—*George Havelock* and *Matthew Benjamin Robson*, Monkwearmouth, Durham, shipbuilders, Feb. 27 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac. sep. est. of *Matthew Benjamin Robson*.—*Christopher Thomas Potts*, Sunderland, Durham, shipowner, Feb. 27 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Henry S. Parker*, Birmingham, licensed victualler, Feb. 15 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—*P. Cattell*, Long-acre, St. Martin-in-the-Fields, Middlesex, coachmaker, Feb. 20 at half-past 12, Court of Bankruptcy, London, div.—*Benjamin Witt*, Wimborne Minster, Dorsetshire, brewer, Feb. 20 at 1, Court of Bankruptcy, London, div.—*Thomas Waghorn*, Rochester, Kent, draper, Feb. 20 at 12, Court of Bankruptcy, London, div.—*Henry John Stewart*, Jermyn-street, Middlesex, hotel keeper, Feb. 21 at half-past 12, Court of Bankruptcy, London, div.—*John Brown*, Winchester, Southampton, carpenter, Feb. 21 at 1, Court of Bankruptcy, London, div.—*Thomas Manson*, King William-street, and *Lloyd's Coffee-house*, Royal Exchange, London, underwriter, Feb. 21 at half-past 12, Court of Bankruptcy, London, div.—*John Clegg*, Liverpool, licensed victualler, Feb. 20 at 11, District Court of Bankruptcy, Liverpool, div.—*Robert C. Wilson*, Seaham Harbour, Durham, earthenware manufacturer, Feb. 27 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Henry Whitmore*, Stockport, Cheshire, tailor, Feb. 21 at half-past 12, Court of Bankruptcy, London, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*George Rudd Waistell*, Noble-st., Wood-street, London, commission agent, Feb. 21 at half-past 1, Court of Bankruptcy, London.—*Charles Gooda*, Great Yarmouth, Norfolk, baker, Feb. 21 at 2, Court of Bankruptcy, London.—*William Watts*, East Cowes and West Cowes, Isle of Wight, Southampton, chemist, Feb. 21 at 1, Court of Bankruptcy, London.—*Stephen Eastwood*, Gray's-place, Mile-end-road, Mile-end Old-town, Middlesex, licensed victualler, Feb. 21 at 11, Court of Bankruptcy, London.—*George Bethell*, Welstead's-yard, Seymour-place, Bryanstone-square, Middlesex, smith, Feb. 23 at 11, Court of Bankruptcy, London.—*John Henry Goodere*, Merthyr Tydvil, Glamorganshire, scrivener, Feb. 20 at 11, District Court of Bankruptcy, Bristol.—*Wm. Keating Stock*, Manchester, manufacturer of cotton goods, Feb. 23 at 12, District Court of Bankruptcy, Manchester.—*Robert Wilson Wyllie*, St. Leonard, Devonshire, flax scutcher, Feb. 22 at 1, District Court of Bankruptcy, Exeter.—*Elias Warhurst*, Manchester, timber merchant, Feb. 21 at 12, District Court of Bankruptcy, Manchester.—*Thomas Walker Lindop*, Cannock, Staffordshire, cattle dealer, March 3 at half-past 10, District Court of Bankruptcy, Birmingham.—*Henry Mantle Hitchcock*, Ilkeston, Derbyshire, miller, Feb. 20 at 10, District Court of Bankruptcy, Nottingham.—*Ann Wilkinson*, Crossmere, Ellesmere, Shropshire, innkeeper, Feb. 22 at half-past 10, District Court of Bankruptcy, Birmingham.—*R. Ginks*, Hartlebury, Worcestershire, wheelwright, March 1 at half-past 10, District Court of Bankruptcy, Birmingham.—*John Mitchell*, Morton, Bingley, Yorkshire, worsted spinner, Feb. 23 at 11, District Court of Bankruptcy, Leeds.

To be granted, unless an Appeal be duly entered.

*Henry Brett*, Portsea, Southampton, grocer.—*Joseph Hart*, High-street, Wapping, Middlesex, corn dealer.—*S. Bailey*, Davies-street, Berkeley-square, Middlesex, hotel-keeper.—*John Charles Brand*, Shoreditch, Middlesex, colourman.—*John Henry Banks*, Little Queen-street, Holborn, Middlesex, engraver.—*Edward Wm. Tison*, Harley-street, Cavendish-square, Middlesex, boarding-house keeper.—*Geo. Harris de Russell*, Birchinn-lane, London, merchant.—*Joseph*

*Burge Godfrey*, Taunton, Somersetshire, coachmaker.—*John White*, Ormakirk, Lancashire, builder.—*George Deane* and *Frederick Youle*, Liverpool, merchants.—*James Wenden*, Manchester, eating-house keeper.—*Wm. Chennorth*, Manchester, merchant.—*John Berry*, Coventry, Warwickshire, licensed victualler.—*Wm. Henry Barlow*, Leeds, Yorkshire, hatter.—*J. Whitaker Rowbottom*, Halifax, Yorkshire, boiler maker.—*James Dyson*, Huddersfield, Yorkshire, draper.

## PETITION DISMISSED.

*Charles Bradley*, Tipton and Great Barr, Staffordshire, iron dealer.

## PARTNERSHIPS DISSOLVED.

*Luke Freeman* and *Thomas Hilton Bothamley*, Coleman-street, London, attorneys and solicitors.—*Charles Walter* and *Wm. Walter* the younger, Kingston-upon-Thames, Surrey, attorneys-at-law and solicitors.

## SCOTCH SEQUESTRATIONS.

*John M' Glashan*, Glasgow, merchant.—*Donald M' Farlane*, Oban, baker.—*W. & J. B. Low*, Arbroath, drapers.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*George Triffield*, Liverpool, chemist, Feb. 6 at 10, County Court of Lancashire, at Liverpool.—*Joseph Nicholls*, Liverpool, bricklayer, Feb. 6 at 10, County Court of Lancashire, at Liverpool.—*George Parker*, Liverpool, dealer in hosiery, Feb. 6 at 10, County Court of Lancashire, at Liverpool.—*Thomas Wm. Keatts*, Landport, Portsea, Southampton, assistant to a manufacturing milliner, Feb. 23 at 11, County Court of Hampshire, at Portsmouth.—*George Peter Wm. Massey*, Portsmouth, Southampton, hatter, Feb. 23 at 11, County Court of Hampshire, at Portsmouth.—*Caroline Ross*, Hardway, Alverstoke, Southampton, in no business, Feb. 23 at 11, County Court of Hampshire, at Portsmouth.—*James Godfrey Windmill*, Bath, Somersetshire, out of business, Feb. 10 at 11, County Court of Somersetshire, at Bath.—*Jonah Bowen Evans*, Bwlch-gwyn, St. Harmon, Radnorshire, clerk, Feb. 5 at 10, County Court of Radnorshire, at Rhayader.—*David Morgan*, Coity, Glamorganshire, shoemaker, Feb. 14 at 10, County Court of Glamorganshire, at Bridgend.—*Thos. Milligan*, St. Bees, Cumberland, farmer, Feb. 20 at 10, County Court of Cumberland, at Whitehaven.—*T. Sturges*, Ramsgate, Kent, organ builder, Feb. 6 at 10, County Court of Kent, at Ramsgate.—*Jas. Whitaker*, Spotland, Rochdale, Lancashire, blacksmith, Feb. 8 at 12, County Court of Lancashire, at Rochdale.—*John Holcombe Bucknell*, Taunton St. Mary Magdalen, Somersetshire, builder, Feb. 16 at 10, County Court of Somersetshire, at Taunton.—*Stephen Charles Park-house*, Taunton, Somersetshire, cabinet maker, Feb. 16 at 10, County Court of Somersetshire, at Taunton.—*R. Hamper*, Ashford, Kent, licensed dealer in tea, Feb. 12 at 10, County Court of Kent, at Ashford.—*Rich. Jones*, Llangynog, Montgomeryshire, clerk, Feb. 23 at 10, County Court of Montgomeryshire, at Llanfyllin.—*Thomas Barber*, Swansea, Glamorganshire, dealer in marine stores, Feb. 13 at 10, County Court of Glamorganshire, at Swansea.—*Victor Abrahams*, Kingston-upon-Hull, tea dealer, Feb. 9 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Catherine A. Candy*, Hornsea, Yorkshire, milliner, Feb. 9 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Henry Draper*, Huddersfield, Yorkshire, shoemaker, Feb. 15 at 10, County Court of Yorkshire, at Huddersfield.—*J. Goodyear*, Huddersfield, Yorkshire, dyer, Feb. 15 at 10, County Court of Yorkshire, at Huddersfield.—*James Todd*, Merthyr Tydvil, Glamorganshire, grocer, Feb. 8 at 10, County Court of Glamorganshire, at Merthyr Tydvil.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Feb. 13 at 10, before the CHIEF COMMISSIONER.

*Henry Thos. Warren*, London-road, Southwark, Surrey, dealer in hats.—*Geo. Harman*, High-street, Deptford, Kent, shoemaker.—*William Reed*, Upper Charlton-street, Fitzroy-square, Middlesex, house smith.—*Francis Carr Beard*, Welbeck-street, Cavendish-square, Middlesex, surgeon.—*John*

*French*, Upper Gower-mews, Bedford-square, Middlesex, out of business.—*Richard Harrington*, High-street, Wandsworth, and Frogmore, Surrey, carpenter.

*Saturday, Jan. 27.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Francis Armstrong*, Branch End, Haltwhistle, Northumberland, labourer, No. 78,908 C.; *Wm. Carrick*, assignee.—*H. Pound*, Mathon, Worcestershire, huckster, No. 79,330 C.; *George Joseland* the younger, assignee.—*Edward Lumdon*, Monkwearmouth, Durham, anchorsmith, No. 64,815 C.; *H. Wilson*, assignee.

*Saturday, Jan. 27.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Richard Spinks*, Shaftesbury-crescent, Pimlico, Middlesex, plumber: in the Debtors Prison for London and Middlesex.—*Edward Hallett*, Leman-st., Goodman's-fields, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*James Billings*, Luton-place, Greenwich, Kent, secretary to the New Linares Mining and Smelting Company: in the Debtors Prison for London and Middlesex.—*Wm. Smith*, Crisp-street, Poplar, Middlesex, surgeon: in the Debtors Prison for London and Middlesex.—*Thos. Edgellar*, Elizabeth-street, South Pimlico, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Benj. Gilbert*, Pulteney-terrace, Barnsbury-road, Islington, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*John Fish*, Circus-road, Gospel Oak-field, Kentish-town, Middlesex, plumber: in the Debtors Prison for London and Middlesex.—*Timothy Davison*, Newman-street, Oxford-street, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*George Wilgress Pipe*, Pitt-street, Old Kent-road, Surrey, job master: in the Queen's Prison.—*William Bunling Boatman*, Great Dover-street, St. Mary, Newington, Surrey, tailor: in the Debtors Prison for London and Middlesex.—*Joseph Henry Rolls*, Leamington Priors, Warwickshire, out of business: in the Gaol of Warwick.—*John Bull*, Wickenhurst, Passenham, Northamptonshire, carpenter: in the Gaol of Northampton.—*Thomas Smith*, Manchester, beer retailer: in the Gaol of Manchester.—*George Phillips*, Manchester, beer retailer: in the Gaol of Manchester.—*Charles Mann*, Colchester, Essex, drawer at an inn: in the Gaol of Springfield.—*Robert Cox*, Croscombe, near Shepton Mallet, Somersetshire, out of business: in the Gaol of Wilton.—*John Corbett*, Bilston, Staffordshire, in no business: in the Gaol of Stafford.—*John Litson*, Lynnmouth in Linton, Devonshire, out of business: in the Gaol of St. Thomas-the-Apostle.—*John Davies*, Pontyclifon, Cardigan, Cardiganshire, shoemaker: in the Gaol of Cardigan.—*Thomas Pither*, Newbury, Berkshire, horse dealer: in the Gaol of Reading.—*Richard Brown*, Mobberley, near Knutsford, Cheshire, agricultural labourer: in the Gaol of Chester.—*Jonathan Dixon*, Hill House, near Huddersfield, Yorkshire, out of business: in the Gaol of York.—*George W. Shaw*, Doncaster, Yorkshire, waterman: in the Gaol of York.—*Eliza Sykes*, Sheffield, Yorkshire, manager to a hosiery establishment: in the Gaol of York.—*John Benbow*, Hanley Castle, Worcestershire, out of business: in the Gaol of Worcester.—*Benjamin Jones*, Dudley, Worcestershire, out of business: in the Gaol of Worcester.—*George Wright*, Downham Market, Norfolk, milliner: in the Gaol of Norwich.—*Wm. J. Morgan*, Merthyr Tydvil, Glamorganshire, auctioneer: in the Gaol of Cardiff.—*John Glover*, Everton, Liverpool, out of business: in the Gaol of Lancaster.—*Thomas H. Walkeden*, Dudley, Port Tipton, Staffordshire, out of business: in the Gaol of Stafford.—*Wm. Montague* the younger, Heathfield, Sussex, farmer: in the Gaol of Lewes.—*John Lunn*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Browning*, Gildabrook, Pendleton, Lancashire, cowkeeper: in the Gaol of Lancaster.—*John Ardern*, Weaverham, Cheshire, labourer: in the Gaol of Chester.—*Joseph Ardern*, Weaverham, Cheshire, out of business: in the Gaol of Chester.—*T. Dawson*, Great Grimsby, Lincolnshire, confectioner: in the Gaol of Lincoln.—*William Stanewell*, Gainsborough, Lincolnshire, butcher: in the Gaol of Lincoln.—*John Wood*, Little Horton, Yorkshire, newspaper reporter: in the Gaol of York.—

*Samuel Nicholson*, Greenheys, Manchester, out of business: in the Gaol of Lancaster.—*Wm. Smith*, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*John Armstrong*, Manchester, provision-shop keeper: in the Gaol of Lancaster.—*H. Brewer*, Blackburn, Lancashire, machine maker: in the Gaol of Lancaster.—*Edward Smith*, Liverpool, brewer: in the Gaol of Lancaster.—*Joshua Hanson*, Birstal, Yorkshire, out of business: in the Gaol of York.—*Jeremiah Stead*, Mirfield, Yorkshire, out of business: in the Gaol of York.—*Joseph Hepworth*, Hightown, near Leeds, Yorkshire, card-teeth maker: in the Gaol of York.—*Joseph Morris*, Ipswich, Suffolk, not in any business: in the Gaol of Ipswich.—*Charles Kendall*, Tamworth, Warwickshire, builder: in the Gaol of Warwick.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 13 at 10, before the CHIEF COMMISSIONER.*

*Thomas S. Edwards*, Princess-street, Lisson-grove, Middlesex, baker.—*Wm. L. Hatton*, Goswell-terrace, Goswell-road, Middlesex, collecting clerk to a linendraper.—*Joseph Cooper*, Friar-street and High-street, Southwark, Surrey, baker.—*Thomas Deane*, Palace-row, New-road, Middlesex, out of business.—*Thomas Monk*, London-road, Southwark, Surrey, out of business.

*Feb. 13 at 10, before Mr. Commissioner MURPHY.*

*James Martin*, Maze-pond, Tooley-st., Southwark, Surrey, out of business.—*Frederick Streker*, Salisbury-terrace, Ball's-pond-road, Middlesex, baker.—*Wm. Redkison*, New-street, Dorset-square, Middlesex, assistant to a perfumer.—*August Fleischer*, Trinity-square, Borough, Surrey, bronze powder manufacturer.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Jan. 13.*

*Solomon Elmer*, Exeter, optician.—*Thos. Cooper*, Exeter, licensed victualler.—*William Wallis* the younger, Townstall, Dartmouth, baker.—*Solomon Pentecost*, Clifton Dartmouth Hardness, baker.

*At the County Court of Worcestershire, at WORCESTER, Feb. 14 at 10.*

*Wm. Whissell*, Stourbridge, commission agent.—*Charles Allen*, Malvern Wells, Hanley Castle, grocer.—*Ann Pardoe*, widow, Worcester, out of business.—*Benjamin Jones*, Dudley, out of business.—*James P. Lucas*, Halesowen, out of business.—*James Jeynes*, Worcester, baker.

*At the County Court of Staffordshire, at STAFFORD, Feb. 14 at 11.*

*Joseph Bowater*, Wolverhampton, in no business.—*John Corbett*, Bilston, in no occupation.

*At the County Court of Gloucestershire, at GLOUCESTER, Feb. 15 at 10.*

*John Baldwin* the younger, Aston Ingham, Herefordshire, labourer.

*At the County Court of Norfolk, at the Shirehall, NORWICH CASTLE, Feb. 15 at 10.*

*George Wright*, Downham Market, milliner.—*Frederick Hulson*, Hockham, butcher.

*At the County Court of Suffolk, at IPSWICH, Feb. 16 at 9.*

*William Neve*, Gorleston, near Great Yarmouth, miller.—*Joseph Morris*, Ipswich, in no business.

*At the County Court of Somersetshire, at TAUNTON, Feb. 16.*

*Hugh Price*, Weston-super-Mare, out of business.—*John Crossman Dawe*, Wellington, relieving officer of the Wellington Union.

*At the County Court of Derbyshire, at DERBY, Feb. 17 at 12.*

*Samuel Richardson*, Derby, commercial traveller.—*Harriot Havenhand*, Eckington, sickle manufacturer.—*Thos. Glover*, Derby, plumber.—*George Wise Filcher*, Morledge, licensed victualler.

*At the County Court of Lancashire, at MANCHESTER, Feb. 19 at 12.*

*Thomas Smith*, Manchester, beer retailer.

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## THE JURIST.

LONDON, FEBRUARY 10, 1855.

THE sentence pronounced upon *Godsall v. Boldero* by the unanimous judgment of the Exchequer Chamber last December in the case of *Dalby v. The India and London Life Assurance Company*, reported and commented upon in our number for the 9th December, 1854, (18 Jur., No. 935), has received the approval of the other side of Westminster Hall, and been followed by Sir W. P. Wood, V.C., in a case very recently before him. The case to which we allude was *Law v. The London Indisputable Life Policy Company*, (not yet reported), the facts of which, from their great simplicity, afford perhaps a more conclusive test and refutation of the principle supposed to have been established by *Godsall v. Boldero* than was even done by the case before the Exchequer Chamber. The circumstances of the case were shortly these:—Mr. Law, the plaintiff, had purchased a legacy of 3000*l.*, to which his son was entitled upon the contingency of his living to complete thirty years. Being anxious to secure himself against the loss of the 3000*l.* by the death of his son before the time pointed out by the contingency, the plaintiff applied to the Indisputable Life Policy Company, attracted, no doubt, by the glowing words of promise contained in their prospectus, which proclaimed to the world that their policies were indefeasible and indisputable, and that no extent of error, mistake, or omission would induce the company to repudiate payment, the fact of issuing the policy being conclusive evidence of its validity. As if, too, this was not sufficient to remove all lurking doubt, the following significant paragraph was also contained in the prospectus:—"Interest in policies.—A party having

had an interest in the life assured shall not lose the benefit of the policy, although his interest shall have terminated before the death of the assured;"—framed as if to meet the very risk to which persons in the position of the plaintiff were undoubtedly liable so long as *Godsall v. Boldero* remained law. The plaintiff seems to have stated his object fairly, and without any reserve: he was at first inclined to effect an assurance for the whole life of his son, but, at the suggestion of the secretary, limited his proposals to a policy for two years—a period a few months beyond the son's thirtieth birth-day, and sufficient to cover any uncertainty as to the actual day of his birth. The policy, which was for 2999*l.*, was granted on the 9th April, 1850, for two years. The son completed his thirtieth year on the 16th January, 1852, fulfilling the contingency imposed by the legacy, and, singularly enough, died six days afterwards, on the 22nd January. The 3000*l.* legacy was received by the father; and in due time, after the 9th April, 1852, he applied to the company for payment of the 2999*l.* due upon the policy. To his no small surprise, however, he is informed that the "indisputable and indefeasible" document in his hand is disputed, and that payment will not be made, as he has received that sum against the possible loss of which the policy was intended to secure him. The company, in fact, entrenching themselves upon *Godsall v. Boldero*, tell the plaintiff that their contract with him is merely one of indemnity, and that if their rules are to be construed according to his view they would be rendered illegal. This somewhat tardy awakening to penitence in the company for their previous disregard, if not express repudiation, of the supreme authority of the Court of King's Bench is met by a suit in equity on the part of the plaintiff. We need not pause to explain the grounds of his proceeding in equity rather than by

action at common law; it is sufficient to say they were considered adequate by Sir W. P. Wood, V.C., who made a decree in his favour. That learned judge, in the course of his very able judgment, expressed his entire concurrence with the principles laid down by Parke, B., in the Exchequer Chamber. After advert- ing to the mistaken analogy to marine and fire assurance set up in *Godsall v. Boldero* with respect to life policies, his Honor made the following observations:—"The policy never refers to the cause or reason for effecting the assurance, the annual premiums being calculated by the company upon the value which they think ought to be paid in order to make the postponed payment, without reference to any other circumstance, whether of one event or of another event: that is a matter of entire indifference to the company—it is no part of their contract; they have founded their calculation upon the probable duration of human life, and they get paid the full value of that calculation. On what principle, then, can it afterwards be said, that because somebody else is good enough to satisfy the object which the party had in effecting the assurance, they should be released from the contract?" And in reference to stat. 14 Geo. 3, c. 48, he observed further, that he could not fairly say that the contract was either within the words or the spirit of the enactment: nothing like a fraud upon the statute had been attempted by the plaintiff, whose conduct shewed perfect bona fides throughout the transaction: and further, the contract, and the contract alone, as between the parties, must be looked to: it was not void in reference to public policy, nor ought the amount to be received to be cut down by the operation of the statute, by reason of the event upon which the legacy became payable happening some short time before the termination of the policy.

Independently of the natural satisfaction felt at the defeat of what we cannot but consider a most unjust attempt on the part of the "Indisputable" office to repudiate their own deliberate contract and the express terms of their prospectus, the judgment of Sir W. P. Wood, V.C., will, we are convinced, meet with the unanimous approbation of the Profession, as a clear and distinct statement of the law as now settled, and giving the coup de grace, if such were needed, to that decision of *Godsall v. Boldero* which has so long burthened our text-books, and cast a slur upon the commercial policy of England, as expounded by our judges. Further comment upon the case would be unnecessary, as we have so recently discussed the subject in our remarks upon *Dalby v. The India and London Life Assurance Company*. We will merely add, that it is matter of congratulation that both sides of Westminster Hall have boldly construed the act of Geo. 3 in an enlarged and liberal spirit, and no longer rendered necessary the interference of the Legislature for the purpose of amending that statute, in accordance with the ordinary practice of assurance offices and the present demands of society.

#### NOTES OF THE WEEK.

A curious question came before the Judicial Committee of the Privy Council in *Bishop v. Wildbore*. (Feb. 7), which was an appeal from the decision of the

judge of the Prerogative Court of Canterbury, in having refused the appellant, Mrs. Bishop, to conduct a testamentary suit in forma pauperis. The husband, a solicitor's clerk, was an uncertificated bankrupt, and from his salary could only procure the necessaries of life: the wife was entitled to an annuity under a will, but there was no prospect of its early payment. Under these circumstances the judgment below was reversed, the Court distinguishing the case from others that were cited, on the ground that the husband was an uncertificated bankrupt.

The payment of the deposit by an allottee of shares upon the day specified for payment in the letter of allotment is a condition precedent to his right to sue for non-delivery of the shares. (*Lucas v. The Port Tennant Patent Fuel Company*, Feb. 7, Exch., Nisi Prius, per Pollock, C. B., after consulting the other judges of the Exchequer).

Acts of cruelty on the part of a husband had been condoned; he afterwards maliciously deserted his wife: it was held by Sir John Dodson that the acts of cruelty were not thereby revived, so as to afford a ground for separation a mensâ et thoro, upon the prayer of the wife. (*Hart v. Hart*, Arches Court, Feb. 7). The learned judge stated, that by the law of several of the United States, malicious desertion in itself affords a ground for divorce, referring, as his authority, to Bishop on Marriage and Divorce, which he described as a valuable book.

The Insolvent Court orders the release of insolvents who have been committed by a county court judge while they are in possession of the *protection* of the Insolvent Court, but refuses to do so when the committal takes place after they have been discharged, under the 1 & 2 Vict. c. 110. (*Re Woraker*, Feb. 7, per Mr. Commissioner Murphy).

In *Underwood v. Wing*, the Lord Chancellor, assisted by two common-law judges, has held (Feb. 5) that where persons perish by a common calamity, there is no legal presumption of survivorship. Mr. and Mrs. Underwood were swept off together from the deck of The Dalhousie by a large wave, and they were never seen again. The claimant's title was dependent upon one having survived the other. The onus of proof lying upon him, and there being nothing from which the Court could infer survivorship, judgment was given against him. Upon this interesting question we refer our readers to the observations made by Mr. Best in his "Principles of Evidence," pp. 479—481, 2nd ed., where it will be seen that the views suggested by him have been fully confirmed in the above case.

The following appointments have been made during the past week:—Thomas Mackenzie, her Majesty's Solicitor-General for Scotland, to be one of the Lords of Session in Scotland, in the room of Patrick Robertson, deceased; Valentine Fleming, to be Chief Justice of Van Diemen's Land; Sydney Smith Bell, to be Puisne Judge, and John Watts Ebdon, second Puisne Judge of the Cape of Good Hope; and Arthur Bigge, to be a Police Magistrate and Justice of the Peace for the borough of Brighton.

The Right Hon. Sir John Jervia, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following Gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—George Lockett Robinson, of Longton, Staffordshire, in and for the county of Stafford; John Houchen the younger, of Thetford, Norfolk, in and for the county of Norfolk.

## Court Papers.

EQUITY SITTINGS, AFTER HILARY TERM,  
1855.

## Court of Chancery.

*Before the LORD CHANCELLOR, at Lincoln's Inn.*

Thursday .....	Feb. 8	First Seal.—Appeal Motions and Appeals.
Friday .....	9	Petitions and Appeals.
Saturday .....	10	
Monday .....	12	
Tuesday .....	13	
Wednesday .....	14	Appeals.
Thursday .....	15	
Friday .....	16	
Saturday .....	17	
Monday .....	19	Second Seal.—Appeal Motions and Appeals.
Tuesday .....	20	
Wednesday .....	21	
Thursday .....	22	Appeals.
Friday .....	23	
Saturday .....	24	
Monday .....	26	
Tuesday .....	27	Third Seal.—Appeal Motions and Appeals.
Wednesday .....	28	
Thursday .....	March 1	
Friday .....	2	Appeals.
Saturday .....	3	
Monday .....	5	
Tuesday .....	6	
Wednesday .....	7	
Thursday .....	8	Fourth Seal.—Appeal Motions and Appeals.
Friday .....	9	
Saturday .....	10	
Monday .....	12	
Tuesday .....	13	
Wednesday .....	14	Appeals.
Thursday .....	15	
Friday .....	16	
Saturday .....	17	
Monday .....	19	Fifth Seal.—Appeal Motions and Appeals.
Tuesday .....	20	
Wednesday .....	21	
Thursday .....	22	Appeals.
Friday .....	23	
Saturday .....	24	
Monday .....	26	Petitions and Appeals.
Tuesday .....	27	Sixth Seal.—Appeal Motions and Appeals.

*Notice.*—Such days as his Lordship is engaged in hearing Appeals in the House of Lords excepted.

*Before the LORDS JUSTICES, at Lincoln's Inn.*

Thursday .....	Feb. 8	First Seal.—Appeal Motions.
Friday .....	9	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	10	
Monday .....	12	
Tuesday .....	13	Appeals.
Wednesday .....	14	
Thursday .....	15	
Friday .....	16	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	17	Appeals.
Monday .....	19	Second Seal.—Appeal Motions.
Tuesday .....	20	
Wednesday .....	21	Appeals.
Thursday .....	22	
Friday .....	23	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.

Saturday .....	24	Appeals.
Monday .....	26	
Tuesday .....	27	Third Seal.—Appeal Motions.
Wednesday .....	28	
Thursday .....	March 1	Appeals.
Friday .....	2	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	3	
Monday .....	5	Appeals.
Tuesday .....	6	
Wednesday .....	7	
Thursday .....	8	Fourth Seal.—Appeal Motions.
Friday .....	9	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	10	
Monday .....	12	
Tuesday .....	13	Appeals.
Wednesday .....	14	
Thursday .....	15	
Friday .....	16	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	17	Appeals.
Monday .....	19	Fifth Seal.—Appeal Motions.
Tuesday .....	20	
Wednesday .....	21	Appeals.
Thursday .....	22	
Friday .....	23	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	24	Appeals.
Monday .....	26	
Tuesday .....	27	Sixth Seal.—Appeal Motions.

*Notice.*—The days on which the Lords Justices shall be engaged at the Judicial Committee of the Privy Council are excepted.

*Before the Right Hon. the MASTER OF THE ROLLS, at Chancery-lane.*

Thursday .....	Feb. 8	First Seal.
Friday .....	9	
Saturday .....	10	
Monday .....	12	
Tuesday .....	13	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Wednesday .....	14	
Thursday .....	15	
Friday .....	16	
Saturday .....	17	
Monday .....	19	Second Seal.
Tuesday .....	20	
Wednesday .....	21	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Thursday .....	22	
Friday .....	23	
Saturday .....	24	General Petition-day.
Monday .....	26	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday .....	27	Third Seal.
Wednesday .....	28	
Thursday .....	March 1	
Friday .....	2	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday .....	3	
Monday .....	5	
Tuesday .....	6	
Wednesday .....	7	
Thursday .....	8	Fourth Seal.
Friday .....	9	
Saturday .....	10	
Monday .....	12	
Tuesday .....	13	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Wednesday .....	14	
Thursday .....	15	
Friday .....	16	
Saturday .....	17	
Monday .....	19	Fifth Seal.
Tuesday .....	20	
Wednesday .....	21	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Thursday .....	22	
Friday .....	23	
Saturday .....	24	

Monday..... 26 General Petition-day.  
Tuesday..... 27 Sixth Seal.

N. B.—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims every Saturday. The Unopposed Petitions to be taken first.

Notice.—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Lincoln's Inn.*

Thursday.... Feb. 8	{ First Seal.—Motions and General Paper.
Friday..... 9	{ Petitions (unopposed first).
Saturday..... 10	{ Short Causes, Short Claims, & Causes.
Monday..... 12	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday..... 13	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Wednesday..... 14	{ Petitions (unopposed first).
Thursday..... 15	{ Short Causes, Short Claims, & Causes.
Friday..... 16	{ Second Seal.—Motions and General Paper.
Saturday..... 17	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday..... 19	{ Petitions (unopposed first).
Tuesday..... 20	{ Short Causes, Short Claims, & Causes.
Wednesday..... 21	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Thursday..... 22	{ Petitions (unopposed first).
Friday..... 23	{ Short Causes, Short Claims, & Causes.
Saturday..... 24	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday..... 26	{ Third Seal.—Motions and General Paper.
Tuesday..... 27	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Wednesday..... 28	{ Petitions (unopposed first).
Thursday.. March 1	{ Short Causes, Short Claims, & Causes.
Friday..... 2	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday..... 3	{ Petitions (unopposed first).
Monday..... 5	{ Short Causes, Short Claims, & Causes.
Tuesday..... 6	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Wednesday..... 7	{ Petitions (unopposed first).
Thursday..... 8	{ Short Causes, Short Claims, & Causes.
Friday..... 9	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday..... 10	{ Petitions (unopposed first).
Monday..... 12	{ Short Causes, Short Claims, & Causes.
Tuesday..... 13	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Wednesday..... 14	{ Petitions (unopposed first).
Thursday..... 15	{ Short Causes, Short Claims, & Causes.
Friday..... 16	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday..... 17	{ Petitions (unopposed first).
Monday..... 19	{ Short Causes, Short Claims, & Causes.
Tuesday..... 20	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Wednesday..... 21	{ Petitions (unopposed first).
Thursday..... 22	{ Short Causes, Short Claims, & Causes.
Friday..... 23	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday..... 24	{ Petitions (unopposed first).
Monday..... 26	{ Short Causes, Short Claims, & Causes.
Tuesday..... 27	{ Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.

N. B.—Petitions will be heard on Petition-days only.

*Before Vice-Chancellor Sir J. STUART, at Lincoln's Inn.*

Thursday.... Feb. 8	{ First Seal.—Motions and Causes.
Friday..... 9	{ Petitions and General Paper.
Saturday..... 10	{ Short Causes and Claims, and General Paper.
Monday..... 12	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday..... 13	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 14	{ Petitions and General Paper.
Thursday..... 15	{ Short Causes and Claims, and General Paper.
Friday..... 16	{ Second Seal.—Motions and Causes.

Tuesday..... 20	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 21	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday..... 22	{ Petitions and General Paper.
Friday..... 23	{ Short Causes and Claims, and General Paper.
Saturday..... 24	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday..... 26	{ Third Seal.—Motions and Causes.
Tuesday..... 27	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 28	{ Petitions and General Paper.
Thursday.. March 1	{ Short Causes and Claims, and General Paper.
Friday..... 2	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday..... 3	{ Petitions and General Paper.
Monday..... 5	{ Short Causes and Claims, and General Paper.
Tuesday..... 6	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 7	{ Petitions and General Paper.
Thursday..... 8	{ Short Causes and Claims, and General Paper.
Friday..... 9	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday..... 10	{ Petitions and General Paper.
Monday..... 12	{ Short Causes and Claims, and General Paper.
Tuesday..... 13	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 14	{ Petitions and General Paper.
Thursday..... 15	{ Short Causes and Claims, and General Paper.
Friday..... 16	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday..... 17	{ Petitions and General Paper.
Monday..... 19	{ Short Causes and Claims, and General Paper.
Tuesday..... 20	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 21	{ Petitions and General Paper.
Thursday..... 22	{ Short Causes and Claims, and General Paper.
Friday..... 23	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday..... 24	{ Petitions and General Paper.
Monday..... 26	{ Short Causes and Claims, and General Paper.
Tuesday..... 27	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.

*Before Vice-Chancellor Sir W. P. WOOD, at Lincoln's Inn.*

Thursday.... Feb. 8	{ First Seal.—Motions and General Paper.
Friday..... 9	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday..... 10	{ Petitions, Short Causes and Claims, and General Paper.
Monday..... 12	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday..... 13	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 14	{ Petitions, Short Causes and Claims, and General Paper.
Thursday..... 15	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday..... 16	{ Petitions, Short Causes and Claims, and General Paper.
Saturday..... 17	{ Second Seal.—Motions and General Paper.
Monday..... 19	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday..... 20	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 21	{ Petitions, Short Causes and Claims, and General Paper.
Thursday..... 22	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday..... 23	{ Petitions, Short Causes and Claims, and General Paper.
Saturday..... 24	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday..... 26	{ Third Seal.—Motions and General Paper.
Tuesday..... 27	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 28	{ Petitions, Short Causes and Claims, and General Paper.
Thursday.. March 1	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday..... 2	{ Petitions, Short Causes and Claims, and General Paper.
Saturday..... 3	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday..... 5	{ Fourth Seal.—Motions and General Paper.
Tuesday..... 6	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 7	{ Petitions, Short Causes and Claims, and General Paper.
Thursday..... 8	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday..... 9	{ Petitions, Short Causes and Claims, and General Paper.
Saturday..... 10	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.



Monday.....	12	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday.....	13	
Wednesday....	14	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday.....	15	
Friday.....	16	
Saturday.....	17	{ Petitions, Short Causes and Claims, and General Paper.
Monday.....	19	{ Fifth Seal.—Motions and General Paper.
Tuesday.....	20	
Wednesday....	21	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday.....	22	
Friday.....	23	
Saturday.....	24	{ Petitions, Short Causes and Claims, and General Paper.
Monday.....	26	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday.....	27	{ Sixth Seal.—Motions and General Paper.

### EQUITY CAUSE LISTS, AFTER HILARY TERM, 1855.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C. Costs*—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*Sh.* Short.

#### Court of Chancery.

Before the LORD CHANCELLOR.

##### APPEAL.

##### CAUSE.

Woodgate v. Archer Burton }  
Woodgate v. Archer Burton }

Neale v. Farrer.

Before the LORDS JUSTICES.

##### APPEALS.

Penney v. Goode }  
Penney v. Goode }  
Duncan v. Cannon }  
Smith v. Pawson (Part heard)  
Manning v. Purcell (2)  
Alexander v. Brame (2)  
Hope v. Hope  
Nicholson v. Whalley (3) (Original causes)  
Thomas v. Cooper  
Davison v. Mason  
Daniel v. Gosset } Feb. 13  
Daniel v. Gosset }  
Williams v. Hodgson  
Burrows v. Walls  
Schofield v. Schofield  
Miller v. Chapman

Walters v. Northern Coal-mining Co.  
Maynell v. Surtees (2)  
Harrison v. Mayor of Southampton  
Lancellat v. Ballachev  
Raby v. Ridehalgh (5)  
Carver v. Burgess  
Jenkinson v. Harcourt  
Dormer v. Phillips  
Myers v. United Guarantee Life Assurance Co.  
United Guarantee and Life Assurance Co. v. Cleland  
Farley v. Woodman  
CAUSE.  
Aveling v. Martin.

Before the Right Hon. the MASTER OF THE ROLLS.

##### CAUSES, &c.

Davis v. Earl Dysart (E)  
Edmonds v. Millett (M for decree, part heard)  
Wilson v. Harley (Cause, part heard) *Not until mentioned*  
Blunt v. De Mallets (Cause)  
Watson v. Cleaver (M for decree)  
Brady v. Morgan (M for dec., part heard)  
Robinson v. Anderson (Cause)  
Harford v. Lloyd (Cause)  
Child v. Child (Cause)  
Jefferies v. Mitchell (Cause)

Hollingsworth v. Woodhead (Cause)  
Pullen v. Fairthorne (M for decree)  
Rogers v. Rogers (Cause)  
Caledonian Railway Co. v. Woodrow (Cause)  
Arkel v. Henly (Cause)  
Henly v. Henly (Cause)  
Capell v. Hyatt (M for decree)  
Davies v. Hallett (M for dec., Ptn)  
Benaley v. Riches (M for dec.)  
Brooklebank v. Johnson (M for decree)

Collinson v. Lister (Cause)  
Cookson v. Bingham } (Cau.)  
Same v. Elliott }  
M'Mullen v. Rea (M for dec.)  
Att.-Gen. v. Harman (M for decree)  
Att.-Gen. v. Moor (Cause)  
Turner v. Ramsey (Cause)  
Jones v. Dickson (M for dec.)  
Hooper v. Barry (Further consideration)  
Hamblay v. Michell (Further consideration)  
Stockley v. Pearson (Further consideration)  
Allan v. Ruyssenaers (Cause)  
Carew v. Yates (Cause)  
Dania v. Hollows (Further consideration)  
Johnson v. Cammell (M for decree)  
Edwards v. Bayley (M for decree)  
Watts v. Shrimpton (Cause)  
Freeman v. Stone (Cause)  
Collins v. Collins (M for dec.)  
St. Aubyn v. Humphreys (Further consideration)  
Orrett v. Corser (M for dec.)  
Gregory v. Faulkner (M for decree)  
Att.-Gen. v. Johnson } (F D,  
Same v. Seddon } C)  
Minet v. Leman (M for decree)  
Stephens v. Wanklin } (Caus.)  
Same v. Salway }  
Att.-Gen. v. Corporation of Great Yarmouth (Cause)  
Griffin v. Clowes (Further consideration)  
Coard v. Holderness (M for decree)  
Cowling v. Bowstead (Further consideration)  
Haigh v. Hepworth (Further consideration)  
Lingard v. Lingard (M for decree)  
Tew v. Austen (Cl)  
Rendleham v. Norman (Further consideration)  
Band v. Fardell (Further consideration)  
Bicknell v. Boulcott (Further consideration)  
Dorman v. Buckley (Cause)  
Bradbury v. Ward (M for dec.)  
Thomas v. Woodhouse (M for decree)  
Moore v. Brookes (F D, C)

Hodgson v. Smithson (M for decree)  
Hannah v. Kilner (Cause)  
Leisinger v. Winter (M for decree)  
Davis v. Earl of Dysart (M for decree)  
Att.-Gen. v. Barrow (Further consideration)  
Art.-Gen. v. Maclean (F D, C)  
Higham v. Bolt (M for dec.)  
Higham v. Bott (M for dec.)  
Alexander v. Simms (Further consideration)  
Worthington v. Wiginton (E, F D, C)  
Antram v. Harvey (M for decree)  
Bold v. Hutchinson (Cause)  
Palmer v. Newell (Cause)  
Bell v. Hornby (Further consideration)  
Paul v. Hare (Cause)  
Towne v. Towne (Cause)  
Portus v. Street (Cl)  
Soame v. Rogers (Cause)  
Scawin v. Jordan (M for dec.)  
Collard v. Wiseman (Cause)  
Pennell v. Bradley } (Far. con.)  
Pennell v. Pease } Ptn  
Hill v. Taine (Supp. claim)  
Malhuish v. Bulpin (M for decree)  
Higgins v. Pettman (M for decree)  
Bentley v. Taylor (Cl)  
Drax v. Burton (M for decree)  
Hatch v. Hatch (Special case)  
Cragoe v. Mager (Further consideration)  
Rodney v. Rodney (4) (F D, C)  
Douglas v. Douglas (3) (F D, C)  
Pepper v. Pepper (Cause)  
Brace v. Pepper (M for decree)  
Stewart v. Sturgis (Supplemental cause)  
Ingles v. Ingles (Further cons.)  
Hindle v. Taylor (Sp. case)  
Bent v. Buckley (E)  
Berington v. Berington (Further consideration) *Sh*  
Bassett v. Hider (Cl)  
Eyre v. Nicholson (Cl)  
Griffith v. Owens (M for dec.)  
Moore v. Perry (Cl) *Sh*  
Hedley v. Williamson (Cause)  
Att.-Gen. v. Cheney } (F D,  
Same v. Same } C).

Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.

##### CAUSES, &c.

Angell v. Angell (D)  
Saunders v. Druce (Pl)  
Lord v. Colvin (Cause)  
Bush v. Peterson (Cause, part heard)  
Fisher v. Baldwin (Cause)  
Gossip v. Wright (Cause)  
Darvell v. Roper (M for dec.)  
Wallace v. Blackwell (Cause)  
Att.-Gen. v. Vansittart (Cau.)  
Coombs v. Mansfield } (Ca.)  
Coombs v. Herniman }  
Nixon v. Masterton (M for decree)  
Lakay v. Higgs (Cl)  
Sutcliffe v. Crosse (M for dec.)

Birley v. Owen (Cl)  
Clements v. Pulman (Cause)  
Yeates v. Roberts (M for dec.)  
Colvin v. Lord (Cause)  
Maybery v. Brooking (Reh.)  
Upton v. Forster (Cause)  
Gough v. Lewis } (Cause)  
Gough v. Lewis }  
Summers v. Summers (Cl)  
Other v. Iveson (M for decree)  
Pollard v. Doyle } (Cause)  
Kearns v. Doyle }  
Houlding v. Cross (Sp. case)  
Gurney v. Gurney (Cl)  
Fawthrop v. Craven (Sp. case)  
Twining v. Twining } (F D,  
Twining v. Holmes } C)

Thornber v. Wilson (Cause)  
 Creed v. Corner (M for dec.)  
 Tomson v. Judge (Cause)  
 Pennell v. Hume (Cause)  
 Newman v. Stone (Cl)  
 Moodie v. Bannister (Cause)  
 Campbell v. Lord Stafford (M for decree)  
 Rogers v. Hooper (Cause)  
 Henderson v. Cook (Cause)  
 Tennant v. Parker (Cause)  
 Williamson v. Wootton (Cl)  
 Wardle v. Marsden (M for decree)  
 Bean v. Dawson (M for dec.)  
 Rumball v. Poole } (F D, C)  
 Rumball v. Peachy }  
 Williams v. Hughes (Cause)  
 Greene v. Norton (4) (F D, C)  
 Hudson v. Whimpole (Further consideration)  
 Elder v. Maclean (3) (E, F D, C)  
 Barton v. Dixon (7) (Subseq. F D, C)  
 Mott v. Jollys (Cause)  
 Kent v. Porter (Cause)  
 Greenwood v. Taylor (5) (E, F D, C)  
 Thompson v. Jevs (Cause)  
 Hitchman v. Stewart } (Fur. cons.)  
 Trail v. Stewart }  
 Evans v. Kinsey (Cause)  
 Bowles v. Field (Cause)  
 Garner v. Moore (Cause)  
 Boughen v. Farrer (Sp. case)  
 Ramsden v. Hirst (M for dec.)  
 Harley v. Moon (Further consideration)  
 Monro v. Proctor (F D, C)  
 Rogers v. Dicks (M for dec.)  
 SA  
 Lacon v. Allen (Cause)  
 Wild v. Booker (Further consideration)  
 Berry v. Charnock (M for decree)  
 Dolman v. Curling (Cause)  
 Ashcroft v. Powell (3) (Cause)  
 Patoh v. Graves (M for dec.)  
 Countess of Mornington v. Greenly (M for decree)  
 Stephenson v. Popple } (Caus.)  
 Same v. Same }  
 Welch v. Coles (F D, C)  
 Dickenson v. Peacock (Further consideration)  
 Mayne v. Mayne (Cause)  
 Dolman v. Nokes (Cause)  
 Smith v. Banbury (F D, C, Ptn)  
 Attorney-Gen. v. Drapers Co. (Cause)  
 Gibson v. Homes (Cause)  
 Sturch v. Bolton } (Cause)  
 Same v. Same }  
 Shelford v. Kane (Cause)  
 Dresser v. Hoare (M for dec.)  
 Wiles v. Gresham (Further consideration)  
 Morland v. Isaacs (Cause)  
 Banks v. Braithwaite (F D, C)  
 Att.-Gen. v. Baines (F D, C)  
 Barnes v. Carter (Cl)  
 London and South-western Railway Co. v. Humphrey (Cause)  
 Aubert v. Aubert (Cause)  
 Taylor v. Portington (M for decree)  
 Pogson v. Burton (F D, C)

Lawley v. King (M for decree)  
 Adlington v. Chippendale (Further consideration)  
 Lewarne v. Collins (Cause)  
 Holmes v. Holmes } (F D, C, Ptn)  
 Same v. Same }  
 Taylor v. Johnson (M for dec.)  
 Wood v. Wood (Cl)  
 Marryatt v. Marryatt (M for decree)  
 Fletcher v. Moore (Supplem. Cause)  
 Moseley v. Glen (M for decree)  
 Sealy v. Waugh (M for decree)  
 Chester v. Brown (Cause)  
 Shew v. Marsh (M for decree)  
 Pownell v. Miller (Cause)  
 Ball v. Freeman (Cause)  
 Weston v. Hobson (F D, C)  
 Baynard v. Woolley (M for decree)  
 Wearing v. Baynard (Cause)  
 Jones v. Lodge (4) (F D, C)  
 Wood v. Taylor } (F D, C)  
 Same v. Lord }  
 Carter v. Sanders (Further consideration)  
 Eckford v. Roome (F D, C)  
 Shelley v. Clarke (F D, C)  
 Turner v. Goodrich (M for decree)  
 Fagge v. Sandys (M for dec.)  
 Miller v. Pridden (Further consideration)  
 Whittingtall v. Field (Further consideration)  
 Wearing v. Baynard (Cause)  
 Aspland v. Watts (Cause)  
 Christ's Hospital v. Granger (F D, C)  
 Pattenden v. Hobson } (Fur. cons.)  
 Pattenden v. Church }  
 Bloor v. Bloor (4) (Further consideration)  
 Price v. Hamblett (2) (Cause)  
 Vigurs v. Vigurs (3) (F D, C)  
 Earl of Haddington v. Crosse (F D, C)  
 Banney v. Bunney (2) (M for decree)  
 Baker v. Taylor (M for decree)  
 Seabrook v. Hadden (F D, C)  
 Judson v. Judson (Further consideration)  
 Perkins v. Lees (Cause)  
 Smeedley v. Potter } (Cause)  
 Shelton v. Potter }  
 Mays v. Dean (F D, C)  
 Remnant v. Lozell (Cause)  
 Halsey v. West (M for decree)  
 Povey v. Gregory (5) (F D, C)  
 Brumbridge v. Burton (M for decree)  
 Hope v. Hope (Special case)  
 Pargeter v. Pargeter (Further consideration)  
 Fryer v. Rogers (2) (Further consideration)  
 Essex v. Essex (Cause)  
 Mortimer v. Fisher (Cause)  
 Myers v. Perigal (2) (F D, C)  
 Olney v. Bates (Further consideration)  
 Mayberry v. Miller (Cl)  
 Riley v. Dickinson (M for decree)  
 Greatrex v. Duffield (3) (F D, C)  
 Atherton v. Mather (Cl)  
 Huddleston v. Saurey (M for decree)

Crawley v. Orchard (M for decree)

Basham v. Smith (Cause)  
 Buxton v. Roberts (F D, C).

*Before Vice-Chancellor Sir J. STUART.*

PLEAS, DEMURRERS, CAUSES, &c.

Goode v. Hollier (Cause) SA  
 Wiggins v. Peppin (4) (F D, C)  
 Howard v. Lloyd (M for dec.)  
 Vincent v. Godson (F D, C, Ptn)  
 Franklin v. Franklin (Cause)  
 Fowler v. Holt (F D, C)  
 Gay v. Tudor (Further cons.)  
 Casley v. Goodridge (Cl)  
 Gibson v. Fairlamb (Further consideration)  
 Perry v. Walker (E, 2 sets, F D, C)  
 Weston v. Tompson (Cause)  
 Stockin v. Lane (Cause)  
 Brayshaw v. Preston (Cause)  
 Roberts v. Vercoe (Cause)  
 Gage v. Gage (Further cons.)  
 Plumble v. Straford (M for decree)  
 Russell v. McCulloch (2) (Ca.)  
 Corke v. Higgins (F D, C)  
 Evans v. Brown (Cause)  
 Hatwill v. Rimell (Further consideration)  
 Green v. Morris (Cause)  
 Rittson v. Sturdy (F D, C)  
 Ramsbottom v. Brierly (Cau.)  
 Burton v. Sills (Further cons.)  
 Crow v. Colombine (2) (F D, C)  
 Paddon v. Richardson (Cause)  
 Beaumont v. James (F D, C)  
 SA  
 Earl of Mansfield v. Ogle (6) (E, 2 sets)  
 Lewis v. Lewis (4) (E, F D, C)  
 Anderson v. Sandeman (2) (F D, C)  
 Nicholls v. Hoblyn (E)  
 Martindale v. Challis (Cl)  
 Wood v. Ordish (6) (F D, C, Ptn)  
 Spink v. Hutton (6) (F D, C, Ptn)  
 Foster v. Cantley (Further consideration)  
 Evans v. Nixon (M for decree)  
 Rippon v. Baker (Cl)  
 Wyatt v. Fisher (3) (Further consideration)  
 Jones v. Richards (M for dec.)  
 In re Kirby's Trust } (Further consid.)  
 Phillips v. Kirby }

Wheatley v. Bastow (2) (Cau.)  
 Orford v. Ardern (Further consideration)  
 Mullens v. Bush (M for dec.)  
 Pound v. Vickers (Cause)  
 Holt v. Bailey (Cause)  
 Warde v. Leigh (2) (F D, C)  
 Clarke v. Cope (F D, C)  
 Clark v. Chappell (Further consideration)  
 Morgan v. Lucking (Cl)  
 Hope v. Mayor, Aldermen, and Citizens of Gloucester (Cause)  
 Andrew v. Andrew (4) (F D, C)  
 Wilson v. Gill (Cause)  
 Anderson v. Norton (M for decree)  
 Crosby v. Bell (F D, C)  
 McIntoch v. Great Western Railway Co. (Cause)  
 Hudson v. Pickett (Cl)  
 Blackman v. Light (Further consideration)  
 Savory v. Barber } (Subseq. cons.)  
 Lucas v. Hoffman } (F D, C)  
 Smith v. Smees (M for decree)  
 Clibron v. Craven (Further consideration)  
 Jones v. Williams (M for dec.)  
 Rawlins v. Druitt (M for dec.)  
 Nicholas v. Nicholas (3) (F D, C)  
 Collier v. Nicholas (2) (F D, C)  
 Tanner v. Barton (F D, C)  
 Keedwell v. Cook (F D, C)  
 Tucker v. Hernaman (Further consideration)  
 Thorne v. Button (M for dec.)  
 Lloyd v. Evans (M for decree)  
 Slight v. Adey (2) (Cause)  
 Hoyes v. Kindersley (2) (F D, C)  
 Dean v. Setchfield (Further consideration)  
 Kay v. Kay (M for decree) SA  
 Lonergan v. Scholefield (2) (F D, C)  
 Brown v. Oliver (M for dec.)  
 Spencer v. Storr (Cause) SA  
 Weller v. Brown (M for dec.)  
 Massey v. Massey (Cause).

*Before Vice-Chancellor Sir W. P. WOOD.*

CAUSES, &c.

Leyson v. Wood (E to answer)  
 Chaffers v. Day } (E to Chaffers v. Day } answer)  
 Forsyth v. Ellice } (F D, C)  
 Same v. Same } SA  
 Pierce v. Beanland (M for decree, part heard)  
 Attenborough v. Attenborough (Cl)  
 Sands v. Handley (Cl)  
 Mills v. Birch (M for decree)  
 Baker v. Armitage (M for decree)  
 Scott v. Bentley (M for decree)  
 Thompson v. Wedlake (Cause)  
 Alderson v. Dalton (Cause)

Lawrie v. Banks (M for dec.)  
 Watson v. Freeman (M for decree)  
 Woodhouse v. Herrick (Special case)  
 Wale v. Rackstraw (Cause)  
 Allport v. Stephens (Cause)  
 Cropper v. Babb (Cause)  
 Chappell v. Atkinson (M for decree)  
 Bullock v. Bennett (Sp. case)  
 Horsfield v. Ashton (F D, C)  
 Att.-Gen. v. Queen Elizabeth's College (Cause)  
 Lee v. Head (Special case)  
 Deaborough v. Harris (Cause)  
 Phipps v. Kelson (Cl)

- Goodlad v. Burnett (Further consideration)  
 Powell v. South Wales Railway Co. (E, F D, C)  
 Re Irvine } (Fur. cons.  
 Irvine v. Irvine } from cham.)  
 Jones v. Jones (2) (Further consideration)  
 Winch v. Winch (Further consideration)  
 Wigan v. Rowland (Further consideration)  
 Powell v. Griffiths (2) (F D, C)  
 Hills v. Busby (Further consideration)  
 Thorp v. Thorp (Cause)  
 Hibbert v. Balchin (Further consideration)  
 Lane v. Niblett (Further consideration)  
 Hepburn v. Palmer (3) (Further consideration)  
 Lawton v. King } (Cause)  
 Same v. Same }  
 Thorpe v. Thorpe (M for dec.)  
 Goodwin v. Lee (M for dec.)  
 Wright v. Kitchin (Cl)  
 Lea v. Church (Cause)  
 Yeoman v. Chawcraft (Further consideration)  
 Bell v. Adams (M for decree)  
 Remnant v. Smallpiece (Cl)  
 Earl of Lonsdale v. Countess Berchtoldt (Further cons.)  
 Ogden v. Battams (Cause)  
 Daines v. Parkinson (Cl)  
 Kennett v. Tytherleigh (F D, C)  
 Duke of Richmond v. Duncan (M for decree)  
 Henney v. Fenton (F D, C)  
 Hodgson v. Heads (M for dec.)  
 Robertson v. Newham (M for decree)  
 Att.-Gen. v. Mostyn (Cause)  
 Coombs v. Baker (Cause)  
 Carrington v. Beard (Further consideration)  
 Turner v. Irlam (M for decree)  
 Beere v. Beere (M for decree)  
 Harvey v. Bulkeley } (Cause)  
 Same v. Sturgis }  
 Rafford v. Davies (Cause)  
 Hind v. Poole (Special case)  
 Cochrane v. St. Clair (Cause)  
 Kelley v. Parker (Cause)  
 Smith v. Cross (Cl)  
 Palacio v. M'Knight (M for decree)  
 Webb v. Ledsam (M for dec.)  
 Wood v. Grazebrook (M for decree)  
 Taylor v. Wilkes (Cause)  
 Savage v. Wilkins (M for dec.)  
 Swallow v. Binns (Sp. case)  
 Stephens v. Hotham (Cause)  
 Lecoy v. Mogford (Cause)  
 Bartlett v. Salmon (M for decree)  
 Fowler v. Bayldon (Further consideration, M)  
 Bohun v. Smith (M for dec.)  
 Tyrrell v. Weld (M for dec.)  
 Goddard v. Haslam (M for decree)  
 Milligan v. Earl of Hardwicke (M for decree)  
 Hodson v. Cash (M for dec.)  
 Owen v. Bank of England (M for decree)  
 Crofts v. Middleton (Cause)
- Baker v. Griffiths (Cause)  
 Knapman v. Loosemore (M for decree)  
 Key v. Key (Special case)  
 Bulkeley v. Hope (Special ca.)  
 Ambrose v. Ambrose (2) (Ca.)  
 Lowe v. Palmer (M for dec.)  
 Johnson v. Windle (Cl)  
 M'Nicol v. Kay (Cl)  
 Shotwell v. Shotwell (M for decree)  
 Hopkin v. Hopkin (Cause)  
 Rooper v. Harrison (Cause)  
 Parry v. Milne (M for decree)  
 Langhorne v. Black (Cause)  
 Malleys v. Ryott (Further consideration)  
 Stephens v. Adamson (Sp. ca.)  
 Firth v. Greenwood (Cause)  
 Watson v. Colchester (M for decree)  
 Gabb v. Prendergast (M for decree)  
 Williams v. North Staffordshire Railway Co. (Cause)  
 Watson v. Loveday (Cl)  
 Hervey v. Fitzpatrick (Cause)  
 Gross v. Errington (M for decree)  
 Dewar v. Ellwood (Cause)  
 Pulling v. Crawshay (Cause)  
 Hall v. Broughton (Cause)  
 Walker v. Banks (M for dec.)  
 Gordon v. Henning (E)  
 Thompson v. Daniel (Further consideration)  
 Attorney-Gen. v. Stephens (M for decree)  
 Loosemore v. Knapman (Further consideration)  
 Rawlings v. Nash (Further consideration)  
 Snecsbey v. Thorne (M for decree)  
 Taylor v. Millard (F D, C)  
 Ellwood v. Atkinson (Cause)  
 Barnes v. Wood (3) (F D, C)  
 Howell v. Price (Further consideration)  
 Scovell v. Neale (M for dec.)  
 Parr v. Jewell (Cause)  
 Curtis v. Allen (Cause) SO, SA  
 Hillier v. Haymon (Cause)  
 Wyatt v. Haslewood (Cause) SA  
 Wilks v. Jones (M for decree) SA  
 Forster v. Waddington (M for decree)  
 Maudeno v. Mandeno (Further consideration)  
 Wilkins v. Reeves (Cl)  
 Cochrane v. Buchanan (Cl)  
 Gwyon v. Gwyon (Cause, M for decree)  
 Shaw v. Farrer (Cause)  
 Walker v. Simpson (M for decree)  
 Newton v. Dimes (M for dec.)  
 Ferraby v. Commercial Credit Mutual Assurance Society (Cause)  
 In re Lindfield } (Further  
 Horton v. Lind- } consid. on  
 field } summons)  
 Stephens v. Gadsden (M for decree)  
 Cooper v. Cooper (Sp. case)  
 Pickford v. Brown (M for dec.)  
 Grainger v. Newham (Further consideration)
- Littlejohns v. Household (Ca.)  
 Jossaume v. Wade (Further consideration)  
 Bottomley v. Greenwood (M for decree)  
 Harries v. Harries (M for decree) SA  
 Bull v. Taylor (Cause)  
 Sharp v. Cosserat (Cause)  
 Fry v. Noble (M for decree)  
 Trollope v. Eyre (Further consideration)  
 Cotton v. Scudamore (Cl) SA  
 Smith v. Hurlbutt (Further consideration)  
 Silliborne v. Newport (2) (Further consideration)  
 Lane v. Jackson (Cause)  
 Bullivant v. Pope (Cause)  
 Wray v. Medworth (M for decree)  
 Monypenny v. Baker (Cause)  
 Scott v. Roberts (Cause)  
 Bankart v. Kirkhouse (M for decree)  
 Worthington v. Davenport (M for decree)  
 Rackham v. Gilbert (Cause)  
 Morgan v. Thomas (Cause)  
 Rider v. Wood (Special case)
- Bond v. England (Sp. case)  
 Rawthorne v. Marks (M for decree)  
 Clapham v. Manby (M for decree)  
 Dalton v. Bank of England (M for decree) SA  
 Smith v. Bakes (Cause)  
 Bayldon v. Milner (M for decree)  
 Draper v. Johnson (M for decree)  
 Harper v. Strutt (Cl)  
 Henry v. Thornton (Cause)  
 Mountain v. Sowden (Cause)  
 Philpott v. President and Governors of St. George's Hospital (M for decree)  
 Smith v. Smith (M for decree)  
 Lloyd v. Holme (Special case)  
 Last v. Goldsmith (F D, C)  
 Daniel v. Fussell (M for dec.)  
 Dipple v. Smart (F D, C)  
 Scott v. Jackman (Cl)  
 Young v. Ward (Cl)  
 Earl of Craven v. Ure (M for decree)  
 Rhodes v. Beart (F D, C)  
 Smith v. Tite (F D, C)  
 Smith v. Boncey (Cl).

## London Gazette.

FRIDAY, FEBRUARY 2.

## BANKRUPTS.

JOHN WATNEY, Wimbledon, Surrey, (now in the custody of the sheriff of Surrey), baker, Feb. 12 at 11, and March 15 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Beuson, New Bridge-street, London.—Petition filed Jan. 31.

SAMUEL SHEPPARD IRELAND, Brighton, Sussex, cabinet maker, dealer and chapman, Feb. 16 at half-past 12, and March 21 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Tilleard & Co., Old Jewry, London.—Petition dated Feb. 1.

HENRY GEORGE CABLE, Goswell-street, Clerkenwell, Middlesex, draper and hostler, dealer and chapman, Feb. 16 at half-past 1, and March 13 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Sole & Co., Aldermanbury, London.—Petition filed Jan. 30.

HENRY BUCKELL, Portsea, Hampshire, draper, dealer and chapman, Feb. 16 at half-past 1, and March 13 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Messrs. Ford, Portsea, Hampshire; Low, Chancery-lane, London.—Petition filed Jan. 30.

JOHN BEAUMONT the elder and JOHN BEAUMONT the younger, Commercial-place, City-road, Middlesex, coach makers, Feb. 10 and March 16 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Gill, 154, Strand, Middlesex.—Petition filed Feb. 1.

WILLIAM BROWN NASH, College-hill, Cannon-street West, London, wine merchant, Feb. 13 at half-past 12, and March 13 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Bennett & Paul, 1, Sise-lane, Bucklersbury, London.—Petition filed Jan. 31.

EDWARD HODGES BAILY, Newman-street, Oxford-street, and Crescent, Camden-road Villas, Middlesex, sculptor and dealer in marble, dealer and chapman, Feb. 13 at half-past 2, and March 13 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Jones, 9, Quality-court, Chancery-lane, London; Mayhew, 11, Argyll-place, Regent-street, London.—Petition filed Jan. 30.

JAMES SWANN, Coventry, Warwickshire, hardware and general dealer, dealer and chapman, Feb. 17 and March 9 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Minster, Coventry; Reece, Birmingham.—Petition dated Jan. 31.

**WILLIAM HARVEY FLETCHER**, Kidderminster, Worcestershire, auctioneer, Feb. 17 and March 9 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Saunders & Son, Kidderminster; Motteram & Knight, Birmingham.—Petition dated Jan. 30.

**WILLIAM PERKINS**, Birmingham, soda water dealer, coal dealer, dealer and chapman, Feb. 17 and March 9 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Smith, Birmingham.—Petition dated Jan. 22.

**JOHN BIRT**, Guns Mills, Abinghall, Gloucestershire, paper manufacturer, dealer and chapman, Feb. 14 and March 13 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Abbott & Lucas, Bristol; Winterbotham, Stroud, Gloucestershire.—Petition filed Jan. 27.

**JAMES CLAPTON**, Exeter, grocer, provision dealer, dealer and chapman, Feb. 15 and March 8 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Head & Venn, Exeter.—Petition filed Jan. 24.

**WILLIAM SHIPMAN**, Manchester, baker and flour dealer, Feb. 19 and March 14 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Partington, Manchester.—Petition filed Jan. 29.

## MEETINGS.

*William Austin*, Colchester, Essex, wholesale grocer, Feb. 14 at 2, Court of Bankruptcy, London, last ex.—*Raffael Monti*, Great Marlborough-street, and Princes-street, Hanover-square, Middlesex, sculptor, Feb. 14 at 12, Court of Bankruptcy, London, last ex.—*Wm. Wailhman*, Yesland Convers and Manchester, Lancashire; Higher Bentham and Lower Bentham, Yorkshire; and Holme Mills, Milnthorpe, and Gate Beck, Westmoreland, flax merchant, Feb. 23 at 12, District Court of Bankruptcy, Manchester, last ex.—*Henry Billiter*, Robert-street, Grosvenor-square, Middlesex, leather seller, Feb. 14 at 12, Court of Bankruptcy, London, aud. ac.—*W. Keen*, Hungerford, Berkshire, hay dealer, Feb. 14 at 1, Court of Bankruptcy, London, aud. ac.—*P. Cattell*, Long-acre, St. Martin-in-the-Fields, Middlesex, coachmaker, Feb. 14 at 1, Court of Bankruptcy, London, aud. ac.—*Thos. Nightingale*, Broadchalke, Wiltshire, innkeeper, Feb. 14 at 12, Court of Bankruptcy, London, aud. ac.—*Henry Martyn*, Bishopsgate-street Within, London, woollen warehouseman, Feb. 15 at 11, Court of Bankruptcy, London, aud. ac.—*Thomas Heywood*, Wood-street, Cheapside, London, lace warehouseman, Feb. 15 at 11, Court of Bankruptcy, London, aud. ac.—*Thomas Laurance*, Reading, Berkshire, draper, Feb. 16 at 11, Court of Bankruptcy, London, aud. ac.—*Samuel Osler*, Grange-road, Bermondsey, Surrey, leather factor, Feb. 15 at 11, Court of Bankruptcy, London, aud. ac.—*Robert Warner*, West-street, Commercial-road, Pimlico, Middlesex, wheelwright, Feb. 23 at 12, Court of Bankruptcy, London, aud. ac.—*G. Bethell*, Welstead's-yard, Seymour-place, Bryanstone-square, Middlesex, smith, Feb. 23 at 11, Court of Bankruptcy, London, aud. ac.—*Henry Markinfeld Addey*, Old Bond-st., Middlesex, bookseller, Feb. 23 at 11, Court of Bankruptcy, London, aud. ac.—*Daniel Lefavour*, New Oxford-street, Middlesex, merchant, Feb. 23 at 11, Court of Bankruptcy, London, aud. ac.—*James Holt Heron*, *John Speir Heron*, *James Knight Heron*, and *Arthur Heron*, Manchester and Wigan, Lancashire, cotton spinners, Feb. 16 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Feb. 23 at 12, div.—*S. Boulton* and *J. Swindells*, Greenfield Works, near Holywell, Flintshire, spelter manufacturers, Feb. 15 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Foden*, Liverpool, grocer, Feb. 12 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John David Neill* and *Henry Sanderson*, Liverpool, shipbrokers, Feb. 13 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Hawkins* and *Robert Needham*, Sheffield, Yorkshire, table-knife manufacturers, Feb. 24 at 12, District Court of Bankruptcy, Sheffield, aud. ac. and div.—*Wm. Laycock*, Bradford, Yorkshire, innkeeper, Feb. 17 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac.; March 3 at 11, fin. div.—*Richard Gay*, Kirkstall, Leeds, Yorkshire, ware grinder, Feb. 17 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Hugh Lapraik*, Swinton-street, Gray's-inn-road, Middlesex, draper, Feb. 23 at 12, Court of Bankruptcy, London, div.—*John Dent*, Queen's-road, Homerton, Middlesex, carpenter, Feb. 27 at 11, Court of Bankruptcy, London, div.—*James H. Mackey*, St. Helen's-place, London, merchant, Feb. 23 at 11, Court of Bankruptcy, London, div.—*Nathan Jacob Calisher*, Norfolk-st., Strand,

Middlesex, jeweller, Feb. 23 at half-past 11, Court of Bankruptcy, London, div.—*James Nesbitt*, Albion-place, Blackfriars-bridge, Surrey, manufacturer of mantles, Feb. 23 at half-past 1, Court of Bankruptcy, London, div.—*George Brooks*, Tunbridge Wells, Kent, tailor, Feb. 23 at half-past 1, Court of Bankruptcy, London, div.—*Richard Bench*, Birmingham, flour dealer, Feb. 21 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Feb. 26 at half-past 10, div.—*John Taylor* and *James Burton*, Stockport, Cheshire, power-loom cloth manufacturers, Feb. 26 at 1, District Court of Bankruptcy, Manchester, div.—*Montgomerie Gladstone* and *Joseph Creevy Bond*, Manchester, general brokers, Feb. 26 at 12, District Court of Bankruptcy, Manchester, div.—*Richard Forshaw*, Liverpool, machine maker, Feb. 26 at 11, District Court of Bankruptcy, Liverpool, div.—*Mauvrice Jarvis*, Leeds, Yorkshire, woolstapler, Feb. 24 at half-past 11, District Court of Bankruptcy, Leeds, fin. div.—*S. Hammond*, Leeds, Yorkshire, flax spinner, Feb. 24 at 11, District Court of Bankruptcy, Leeds, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Isidore Bloomenthal*, Rodney-buildings, New Kent-road, Surrey, lithographic engraver, March 1 at 2, Court of Bankruptcy, London.—*Henry T. Bayley*, Canterbury, Kent, draper, Feb. 24 at 12, Court of Bankruptcy, London.—*Nathaniel Magnus* the younger, Fore-st., Cripplegate, London, shoe manufacturer, Feb. 23 at 1, Court of Bankruptcy, London.—*John E. Rathbone*, Bath, Somersetshire, printer, Feb. 23 at half-past 1, Court of Bankruptcy, London.—*John Lampert Pains*, Church-terrace, St. Pancras-road, Middlesex, builder, Feb. 23 at 2, Court of Bankruptcy, London.—*Robert Warner*, West-street, Commercial-road, Pimlico, Middlesex, wheelwright, Feb. 23 at 12, Court of Bankruptcy, London.—*C. W. Elliott*, Aylesbury, Buckinghamshire, grocer, Feb. 23 at 12, Court of Bankruptcy, London.—*Samuel Moore*, Trowbridge, Wiltshire, grocer, Feb. 26 at 11, District Court of Bankruptcy, Bristol.—*Daniel James Fynney*, Liverpool, corn merchant, Feb. 23 at 11, District Court of Bankruptcy, Liverpool.—*William Makin* the younger, Manchester, provision dealer, Feb. 27 at 12, District Court of Bankruptcy, Manchester.—*Thomas Mellor* and *Samuel Eason*, Liverpool, merchants, Feb. 26 at 11, District Court of Bankruptcy, Liverpool.—*Joseph Whitehead*, Bradford, Yorkshire, coach builder, March 5 at 12, District Court of Bankruptcy, Leeds.—*John Marshall*, Bradford, Yorkshire, brewer, Feb. 27 at 12, District Court of Bankruptcy, Leeds.—*John Richardson*, Chesterfield, Derbyshire, draper, Feb. 24 at 12, District Court of Bankruptcy, Sheffield.

*To be granted, unless an appeal be duly entered.*

*Thomas Howard*, Finsbury Wharf, City-road, Middlesex, lime merchant.—*Robert Doak*, Hanover-place, Kew, Surrey, draper.—*Charles Lovell*, Wisbeach St. Peter, Cambridgeshire, shoe manufacturer.—*Peter Smith*, Bridport-place, Hoxton, Middlesex, licensed victualler.—*John Willey*, High-street, Borough, Surrey, cabinet maker.—*Edward Jones*, Chester, timber merchant.—*Joseph Robinson*, Nantwich, Cheshire, brazier.—*George Wilham*, Ebbw Vale, Newport, Monmouthshire, draper.—*H. Wales*, Attercliffe, near Sheffield, Yorkshire, innkeeper.—*Henry A. Rodgers*, Sheffield, Yorkshire, newsman.—*John Hawkins* and *Robert Needham*, Sheffield, Yorkshire, table-knife manufacturers.—*Wm. Holbrook*, Nottingham, joiner.—*E. Elding*, Donington, Lincolnshire, linen-draper.

## PETITION ANNULLED.

*Richard Derbyshire*, Liverpool, merchant.

## PARTNERSHIP DISSOLVED.

*John C. Richardson* and *Matthew C. Lee*, Kingston-upon-Hull, attorneys and solicitors, scriveners, and conveyancers.

## SCOTCH SEQUESTRATIONS.

*James Ford*, Edinburgh, provision merchant.—*John Smith*, Glasgow, draper.—*Alexander Whyte & Co.*, Glasgow, merchants.

## INSOLVENT DEBTORS

*Who have fled their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Charles B. Warren*, Pembroke Dock, Pembrokeshire, lieu-

tenant in her Majesty's Royal Navy on half-pay, Feb. 19 at 11, County Court of Pembrokeshire, at Pembroke.—*Richard Foord*, Bristol, dealer in music, Feb. 8 at half-past 10, County Court of Gloucestershire, at Bristol.—*James Fudge*, Oldland, Bitton, Gloucestershire, shoemaker, March 22 at half-past 10, County Court of Gloucestershire, at Bristol.—*George Burgess*, Hungry Harbury, near Southam, Warwickshire, farrier, Feb. 24 at 10, County Court of Warwickshire, at Southam.—*Robert Dyford*, Braintree, Essex, grocer, Feb. 22 at 12, County Court of Essex, at Braintree.—*D. Howell*, Darlaston, Staffordshire, gun-lock maker, Feb. 16 at 10, County Court of Staffordshire, at Walsall.—*Charles Foden*, Bilston, Staffordshire, in no business, Feb. 20 at 10, County Court of Staffordshire, at Wolverhampton.—*Sarah Denny*, Heigham, Norwich, Norfolk, out of business, Feb. 15 at 10, County Court of Norfolk, at Norwich Castle.—*Wm. Clarke*, Ipswich, Suffolk, commercial traveller, Feb. 16 at 9, County Court of Suffolk, at Ipswich.—*Joseph Burstun*, Bunbury, Cheshire, grocer, Feb. 22 at 11, County Court of Cheshire, at Nantwich.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 16 at 10, before the CHIEF COMMISSIONER.*

*George Albert*, Long-alley, Crown-st., Finsbury, Middlesex, grocer.—*George Grainge*, Old Montague-street, White-chapel, Middlesex, corn dealer.—*Alfred Browne*, Mercedith-street, Clerkenwell, Middlesex, watch-spring maker.—*Edward Errington*, Oxford-street and Marylebone-lane, Middlesex, pastrycook.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 16 at 10, before the CHIEF COMMISSIONER.*

*Geo. Smith* the younger, Thames Ditton, Surrey, draper's manager.

*Feb. 16 at 10, before Mr. Commissioner MURPHY.*

*John Lovell Lawton*, Somerset-street, Portman-square, Middlesex, commission agent.—*Edgar Wm. Dow*, Albany-road, Camberwell, Surrey, tailor.—*James Rayner*, Mildmay-street, Ball's-pond, Middlesex, baker.—*Wm. Jas. Cox*, King-street, Southwark, Surrey, hat maker.

*Feb. 17 at 10, before Mr. Commissioner MURPHY.*

*Adjourned Hearing.*

*Joseph Froggatt*, James-st., Bromley, Middlesex, butcher.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Staffordshire, at STAFFORD, Feb. 14 at 11.*

*Thos. Henry Walkeden*, Tipton, out of business.

*At the County Court of Glamorganshire, at CARDIFF, Feb. 16.*

*Wm. Jones Morgan*, Merthyr Tydvil, auctioneer.

*At the County Court of Lancashire, at LANCASTER, Feb. 16 at 11.*

*Wm. Smith*, Ashton-under-Lyne, out of business.—*John Glover*, Everton, Liverpool, out of business.—*Henry Riding*, Ormskirk, plumber.—*Stephen Edmondson*, Farnworth, near Bolton-le-Moors, grocer.—*Edw. Smyth*, Liverpool, brewer.—*Henry Brewer*, Blackburn, machine maker.—*Wm. Booth*, Clitheroe, publican.—*John Douglas*, Manchester, out of business.—*John Elliott*, Manchester, out of business.—*B. Sutcliffe*, Barrowford, near Burnley, labourer.—*T. Sutcliffe*, Barrowford, near Burnley, weaver.—*Joseph Pritchard*, Liverpool, cooper.—*Robert Harrison*, Ighton-hill-park, near Burnley, out of business.—*Wm. Hampson*, Bedford, near Leigh, power-loom weaver.—*John Armstrong*, Manchester, provision-shop keeper.—*John Green*, Hulme, Manchester, out of business.—*Hugh Spencer*, Liverpool, out of business.—*S. Nicholson*, Manchester, out of business.—*Thomas Browning*, Pendleton, near Manchester, bookkeeper.—*David Brierley*,

Middleton, near Manchester, furniture dealer.—*E. Hulme*, Heaton Norris, out of business.—*John Lunn*, Salford, out of business.—*John Barker York*, Hulme, Manchester, brick-layer.—*Jas. Thomas Lenny*, Chorlton-upon-Medlock, Manchester, out of business.—*J. Chadwick*, Blackburn, tailor.

*At the County Court of Warwickshire, at WARWICK, Feb. 19.*

*William Cautherington*, Cornhill, near Dudley, Worcester-shire, limestone miner.—*Wm. Martinson*, Warwick, in no trade.—*Joseph Henry Rolis*, Leamington Priors, out of business.—*James Fuller*, Lower Mitcham, Surrey, beer-house keeper.—*Chas. Kendall*, Tamworth, plasterer.

#### MEETING.

*John Barrow Lloyd*, Tranmere, Cheshire, joiner, Feb. 19 at 11, at Gill's, Birkenhead, Cheshire, sp. aff.

TUESDAY, FEBRUARY 6.

#### BANKRUPTS.

**DANIEL KEEN**, Hillingdon, Middlesex, brick maker, dealer and chapman, Feb. 16 at 2, and March 20 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Woolls, Uxbridge; Paterson, 7, Bouverie-street, London.—Petition filed Jan. 27.

**ISAAC POTHECARY** and **WILLIAM SYMES**, Nut-shalling, otherwise Nursling, Southampton, boarding-house keepers, dealers and chapmen, Feb. 14 at 2, and March 20 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Venning & Co., Tokenhouse-yard, London.—Petition filed Jan. 15.

**DAVID HALKET**, late of St. Helen's-place, London, and now of Herne Bay, Kent, shipowner, merchant, and insurance broker, Feb. 16 at half-past 11, and March 21 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed Feb. 6.

**JAMES FLETCHER CAMPBELL**, St. Peter's-alley, Cornhill, London, ship and insurance broker, dealer and chapman, (trading under the style or firm of J. F. Campbell & Co.), Feb. 16 at 2, and March 20 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Turnley & Luscomb, 38, Cannon-street.—Petition filed Feb. 3.

**GEORGE KENNEDY GEYELIN**, formerly of Victoria Wharf, Regent's-park Basin, Augustus-street, Regent's-park, and Grove Retreat, Grove-street, Camden-town; late of Grafton-street East, Middlesex; and now a prisoner in Whitecross-street Prison, London, white zinc and permanent paint manufacturer, dealer and chapman, (formerly carrying on business under the firm of Geyelin & Co.), Feb. 16 at half-past 11, and March 23 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed Feb. 2.

**WILLIAM CHRISTOPHER HARDY**, now of Greenway-hill, but late of Moor-cottage, Uxbridge Moor, Hillingdon, Middlesex, plumber, painter, and glazier, builder, dealer and chapman, Feb. 16 at half-past 12, and March 23 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Gardner, Uxbridge, Middlesex; Crouch, 8, Gray's-inn-square.—Petition filed Feb. 3.

**CHARLES HASELDEN**, Wigmore-street, Cavendish-sq., Middlesex, bookseller and stationer, Feb. 17 at 11, and March 23 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Kinsey, 20, Bloomsbury-square.—Petition filed Feb. 5.

**EDWARD HALL**, Greenwich, Kent, licensed victualler, Feb. 16 at 2, and March 16 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Pollock, 54, Beasborough-street, Belgrave-road, Middlesex.—Petition filed Feb. 5.

**JOHN BRINDLEY**, Birmingham, hosier and straw-bonnet dealer, dealer and chapman, Feb. 21 and March 12 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Harrison & Wood, Birmingham.—Petition dated Feb. 5.

**JAMES BURNBLUM**, Manchester, commission agent, Feb. 21 and March 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Sale & Co., Manchester.—Petition filed Jan. 18.

## MEETINGS.

*John E. Rathbone*, Threadneedle-street and Moorgate-st., London, dealer in mining shares, Feb. 16 at 11, Court of Bankruptcy, London, pr. d.—*Wm. Tyree*, Blackfriars-road, Surrey, boot manufacturer, Feb. 16 at 12, Court of Bankruptcy, London, last ex.—*Thomas Deans*, Blackburn, Lancashire, draper, March 1 at 12, District Court of Bankruptcy, Manchester, last ex.—*François F. Vouillon*, Princes-street, Hanover-square, Middlesex, court milliner, Feb. 16 at 1, Court of Bankruptcy, London, aud. ac.—*Charles H. Tugman* and *James E. Tugman*, Great Tower-street, London, provision merchants, Feb. 17 at 11, Court of Bankruptcy, London, aud. ac.—*Charles Gooda*, Great Yarmouth, Norfolk, confectioner, Feb. 21 at 12, Court of Bankruptcy, London, aud. ac.—*Max Essinger*, Old Change, London, straw-hat manufacturer, Feb. 21 at 12, Court of Bankruptcy, London, aud. ac.; Feb. 27 at 12, div.—*J. Pigg*, Waterbeach, Cambridgeshire, grocer, Feb. 21 at half-past 12, Court of Bankruptcy, London, aud. ac.—*S. Kestwood*, Gray's-place, Mile-end-road, Middlesex, licensed victualler, Feb. 21 at 11, Court of Bankruptcy, London, aud. ac.—*Robert Gray*, Bishop's Waltham, Southampton, corn merchant, Feb. 17 at half-past 1, Court of Bankruptcy, London, aud. ac.—*James Balding*, King's Arms-place, Old Kent-road, Surrey, hat manufacturer, Feb. 17 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Charles Kelly*, High-street, Kensington, and Baker-street, Portman-square, Middlesex, auctioneer, Feb. 21 at 12, Court of Bankruptcy, London, aud. ac.—*Benjamin Bailey*, Kingsland-road, Middlesex, corn dealer, Feb. 15 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Henry Tyler*, Victoria-street, Westminster, Middlesex, victualler, Feb. 22 at 11, Court of Bankruptcy, London, aud. ac.—*Thomas Barrett*, Oxford, timber merchant, Feb. 20 at 11, Court of Bankruptcy, London, aud. ac.—*Henry Broome*, Portsmouth, Southampton, licensed victualler, Feb. 27 at 12, Court of Bankruptcy, London, aud. ac.—*George Williams*, Ebbw Vale, near Newport, Monmouthshire, draper, Feb. 22 at 11, District Court of Bankruptcy, Bristol, aud. ac.; March 1 at 11, div.—*Wm. Yates*, Liverpool, cotton broker, Feb. 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Taylor* and *James Burton*, Stockport, Cheshire, powerloom cloth manufacturers, Feb. 19 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Thomas Norbury* and *R. Bindloss*, Manchester, silk manufacturers, Feb. 21 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Feb. 28 at 12, div.—*Montgomerie Gladstone* and *Joseph Creevy Bond*, Manchester, general brokers, Feb. 19 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Thomas Carrick Perritt*, Kingston-upon-Hull, money scrivener, Feb. 28 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac. and fin. div.—*Theophilus Belhell*, Riley-street, Bermondsey, Surrey, licensed victualler, Feb. 28 at 1, Court of Bankruptcy, London, div.—*John Peter White*, Mark-lane, London, merchant, Feb. 28 at 2, Court of Bankruptcy, London, div.—*A. Askcraft*, widow, Liverpool, and Stanhope-terrace, Gloucester-gate, Middlesex, shipowner, March 9 at 11, Court of Bankruptcy, London, div.—*William Henry Mann*, Maiden-lane, Queen-street, Cheapside, London, lead merchant, Feb. 27 at 12, Court of Bankruptcy, London, fin. div.—*Edwin Elding*, Donington, Lincolnshire, linendraper, March 6 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.

## CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Henry Cremer*, Old Broad-street, London, wine merchant, Feb. 28 at 1, Court of Bankruptcy, London.—*Jas. Mortimer*, Grosvenor-road, Abbey-road, St. John's-wood, Middlesex, builder, Feb. 27 at 2, Court of Bankruptcy, London.—*Thos. Plumley Derham* and *Wm. Bennett*, Bristol, cabinet makers, March 5 at 11, District Court of Bankruptcy, Bristol.—*John Samuel Smith*, Liverpool, dysalter, March 21 at 12, District Court of Bankruptcy, Manchester.—*John Fletcher*, Unsworth Mill, near Bury, and Manchester, cotton manufacturer, Feb. 28 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Anthony Maddison Todd*, Clement's-lane, Lombard-street, London, merchant.—*Wm. Paxon*, Queen's-road, Bayswater, Middlesex, corn dealer.—*Henry Billiter*, Robert-street, Grosvenor-square, Middlesex, leather seller.—*Walter Fitch Hart*, Brighton and Worthing, Sussex, tailor.—*Robert Wrightson*,

Liverpool, metal broker.—*Henry Perks*, Liverpool, porter merchant.—*Edward Kegg*, Liverpool, and Birkenhead, Cheshire, coal dealer.—*Thomas Kimpton*, Liverpool, carrier.—*Joseph Smith* and *Ralph Simpson*, Burnley, Lancashire, iron-founders.

## SCOTCH SEQUESTRATIONS.

*Knox, Dick, & Co.*, Glasgow, merchants.—*William Scott*, Stane, Combusnethan, Lanarkshire, carter.—*George Knox & Co.*, Glasgow, merchants.—*Hamilton Foundry Company*, Hamilton.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Samuel Waters*, Hoveton St. John, Norfolk, tailor, Feb. 22 at half-past 10, County Court of Norfolk, at North Walsham.—*Chas. Carter*, Scoulton, Norfolk, shoemaker, Feb. 24 at half-past 10, County Court of Norfolk, at Attleborough.—*Wm. Shepherdson* the elder, Melbourne, Thornton, Yorkshire, wheelwright, March 24 at 10, County Court of Yorkshire, at Pocklington.—*George Walling*, Shindham, Norfolk, shoemaker, Feb. 17 at half-past 10, County Court of Norfolk, at East Dereham.—*Robert Winstanley*, Birkenhead, Cheshire, commission agent, Feb. 23 at 10, County Court of Cheshire, at Birkenhead.—*Robert Reilly*, Birkenhead, Cheshire, grocer, Feb. 9 at 10, County Court of Cheshire, at Birkenhead.—*John Johnson* the younger, Netherton, near Dudley, Worcestershire, licensed victualler, Feb. 23 at 10, County Court of Worcestershire, at Dudley.—*Thomas Gasteridge*, Tipton, Staffordshire, beer-shop keeper, Feb. 23 at 10, County Court of Worcestershire, at Dudley.—*Jos. Griffiths*, Tipton, Staffordshire, beerseller, Feb. 23 at 10, County Court of Worcestershire, at Dudley.—*Robert Probert*, Lady-moor, Sedgley, Staffordshire, in no business, Feb. 23 at 10, County Court of Worcestershire, at Dudley.—*Mary Bland*, Leeds, Yorkshire, out of business, March 1 at 10, County Court of Yorkshire, at Leeds.—*Comfort Woodhouse*, Smeth, Kent, shoemaker, Feb. 12 at 10, County Court of Kent, at Ashford.—*W. Bevans*, Sheerness, Kent, ironmonger, Feb. 20 at 10, County Court of Kent, at Sheerness.—*John Willis*, Exeter, fellmonger, Feb. 20 at 10, County Court of Devonshire, at Exeter.—*Robert Denn*, Steyning, Sussex, out of business, Feb. 24 at 10, County Court of Sussex, at Brighton.—*Jas. Paris*, Brighton, Sussex, tailor, Feb. 10 at 10, County Court of Sussex, at Brighton.—*Wm. Clifton*, Brighton, Sussex, cigar dealer, Feb. 10 at 10, County Court of Sussex, at Brighton.—*George Wilcox Huckerby*, Brighton, Sussex, clerk to the governor of the workhouse, Feb. 24 at 10, County Court of Sussex, at Brighton.—*John Hewett*, Chichester, Sussex, baker, Feb. 14 at 11, County Court of Sussex, at Chichester.—*Wm. Partridge*, Shipton, Shropshire, licensed victualler, Feb. 20 at 10, County Court of Shropshire, at Shrewsbury.—*Richard Wilkes*, Shrewsbury, Shropshire, tailor, Feb. 20 at 10, County Court of Shropshire, at Shrewsbury.—*Decimus Slatter*, Ilmington, Warwickshire, out of business, Feb. 28 at 11, County Court of Worcestershire, at Shipston.—*John Dixon*, Nassington, Northamptonshire, Feb. 17 at 10, County Court of Northamptonshire, at Oundle.—*John Wise*, Hastings, Sussex, professor of music, Feb. 19 at 11, County Court of Sussex, at Hastings.—*Henry Ockenden*, Hastings, Sussex, grocer, Feb. 19 at 11, County Court of Sussex, at Hastings.—*Wm. Household*, St. Leonards-on-the-Sea, Sussex, grocer's assistant, Feb. 19 at 11, County Court of Sussex, at Hastings.—*John Mundy*, Midsomer Norton, Somersetshire, farmer, Feb. 12 at 12, County Court of Somersetshire, at Temple Cloud.—*John Jones*, Tipton, Staffordshire, farmer, Feb. 23 at 10, County Court of Worcestershire, at Dudley.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 20 at 10, before the CHIEF COMMISSIONER.*

*Henry Minton Lawrence*, Kingston, Surrey, plumber.—*Geo. Wilson*, St. Leonard-street, Bromley, Middlesex, tailor.—*John Foster*, Sussex-street, Pimlico, Middlesex, assistant warehouseman.

*Feb. 21 at 10, before the CHIEF COMMISSIONER.*

*Wm. Bourne*, Chancery-lane, Holborn, Middlesex, auctioneer.—*John Bourne*, Chancery-lane, Holborn, Middlesex, auctioneer.—*John Smithers*, Lambeth-walk, Lambeth-road, Surrey, shoemaker.

*March 14 at 10, before Mr. Commissioner MURPHY.*

*John Collins*, Grove-place, Coburg-road, Old Kent-road, Surrey, horse-hair manufacturer.—*E. Lambirth*, Barking, Essex, tailor.—*Henry John Davies*, Napier-street, Hoxton, Middlesex, gold-chain maker.—*Wm. Noble*, High-st., Shore-ditch, Middlesex, straw-bonnet manufacturer.—*D. Jackson*, Russell-street, Brixton-road, Lambeth, Surrey, out of business.—*Edward Hannaford*, Lion-yard, Wigmore-st., Cavendish-square, Middlesex, coach wheelwright.—*Robt. Hackney*, Cambridge-road, Bethnal-green, Middlesex, general dealer.—*George Wm. Procter*, Gloucester-street, Oakley-street, Lambeth, Surrey, auctioneer.—*W. Croager*, Addison-road North, Notting-hill, Middlesex, cabinet maker.—*Thos. Page*, Cookham's-cottage, Whalebone-lane, Dagenham, Essex, farm labourer.—*Christopher Polvin*, Pollen-street, Hanover-square, Middlesex, general chandler-shop keeper.—*David Peddie*, Devonshire-buildings, Dover-road, Newington, Surrey, dealer in milk.—*Edwin Wing*, Wyke House Lunatic Asylum, Isleworth, Surrey, resident surgeon.—*E. Barnard*, St. Chad's-row, Gray's-inn-road, barrister.

*Saturday, Feb. 3.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*William Sparks*, White Horse-lane, Stepney, Middlesex, builder, No. 64,747 T.; *John Patten*, assignee.—*George Erie Chambers*, Plymouth, Devonshire, baker, No. 79,279 C.; *Edward Walke*, assignee.

*Saturday, Feb. 3.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*R. Brooks*, Upper Berkeley-street West, Hyde-park-square, Middlesex, cheesemonger : in the Debtors Prison for London and Middlesex.—*Wm. Cook*, Golden-lane, Barbican, London, shoemaker : in the Debtors Prison for London and Middlesex.—*Chas. Braun*, Bath-street, Newgate-street, London, manufacturer of portemonnaies : in the Debtors Prison for London and Middlesex.—*Thomas W. Jones*, King's-row, Cambridge-road, Mile-end, Middlesex, gasfitter : in the Debtors Prison for London and Middlesex.—*Robert Bryant Nind*, West-place, Islington-green, Middlesex, house decorator : in the Debtors Prison for London and Middlesex.—*Geo. Stevens*, High-street, Lower Homerton, Middlesex, licensed victualler : in the Debtors Prison for London and Middlesex.—*Samuel Pearce*, Minories, London, export oilman : in the Queen's Prison.—*William Edward Schottlander*, Brunauick-street, Dover-road, Surrey, commission agent : in the Gaol of Surrey.—*Alfred Daniels*, Church-street, Arlington-square, New North-road, Islington, Middlesex, clerk to an attorney : in the Debtors Prison for London and Middlesex.—*Henry Pask*, Baker-street, Bagnigge-wells-road, Clerkenwell, Middlesex, builder : in the Debtors Prison for London and Middlesex.—*H. Durant*, Arlington-square, New North-road, Islington, Middlesex, out of employ : in the Debtors Prison for London and Middlesex.—*James Birch*, Sutton-street, York-road, Lambeth, Surrey, not in any business : in the Gaol of Surrey.—*Benjamin Crosby*, Tenison-st., Belvedere-road, Lambeth, Surrey, grocer : in the Gaol of Surrey.—*J. Batty*, Holywell-street, Shoreditch, Middlesex, currier : in the Debtors Prison for London and Middlesex.—*William Julius*, Great Saffron-hill, Clerkenwell, Middlesex, baker : in the Debtors Prison for London and Middlesex.—*Charles T. Fryer*, Samuel-street, Catherine-street, Limehouse-fields, Middlesex, carpenter : in the Debtors Prison for London and Middlesex.—*Amos Goodey*, Salisbury-street, Agar-town, Old St. Pancras, Middlesex, baker : in the Debtors Prison for London and Middlesex.—*Jane Healey*, New Oxford-street, Middlesex, milliner : in the Queen's Prison.—*J. Penniford*, Brighton, Sussex, baker : in the Gaol Lewes.—*J. Bowater*,

Wolverhampton, Staffordshire, in no business : in the Gaol of Stafford.—*Wm. Martinson*, Warwick, in no trade : in the Gaol of Warwick.—*James Fuller*, Wolverhampton, Staffordshire, plumber : in the Gaol of Warwick.—*Lorance Torr*, Lowdham, Nottinghamshire, out of business : in the Gaol of Nottingham.—*George Garrett*, Stockton, Durham, dealer in guano : in the Gaol of Durham.—*John Thos. Phillips*, South Shields, Durham, assistant grocer : in the Gaol of Durham.—*William Ferguson*, Hartlepool, Durham, ironfounder : in the Gaol of Durham.—*Elijah Stacey*, Sheffield, Yorkshire, out of business : in the Gaol of York.—*William Myers*, Leeds, Yorkshire, shopkeeper : in the Gaol of York.—*George Cant*, Sheffield, Yorkshire, out of business : in the Gaol of York.—*John Damms*, Sheffield, Yorkshire, out of business : in the Gaol of York.—*Frederick J. Fowler*, Sheffield, Yorkshire, out of business : in the Gaol of York.—*T. Habberley*, Wolstanton, Staffordshire, blacksmith : in the Gaol of Stafford.—*John Lovelace*, Dorchester, Dorsetshire, carpenter : in the Gaol of Dorchester.—*Edwin Hulme*, Heaton Norris, Lancashire, out of business : in the Gaol of Lancaster.—*James T. Lenny*, Chorlton-upon-Medlock, Lancashire, out of business : in the Gaol of Lancaster.—*Stephen Edmondson*, Farnworth, Lancashire, provision dealer : in the Gaol of Lancaster.—*R. Whittaker*, Manchester, commission agent : in the Gaol of Lancaster.—*Joseph Pritchard*, Liverpool, cooper : in the Gaol of Lancaster.—*Wm. Booth*, Clitheroe, Lancashire, publican : in the Gaol of Lancaster.—*Henry Riding*, Ormskirk, Lancashire, plumber : in the Gaol of Lancaster.—*Henry Hull*, Bury-road, near Bolton-le-Moors, Lancashire, mineral surveyor : in the Gaol of Lancaster.—*John Douglas*, Manchester, out of business : in the Gaol of Lancaster.—*John Elliott*, Manchester, out of business : in the Gaol of Lancaster.—*B. G. Thompson*, Ferryhill Station, Durham, mason : in the Gaol of Durham.—*Wm. Hampson*, Bedford, Lancashire, powerloom weaver : in the Gaol of Lancaster.—*Hugh Spencer*, Liverpool, out of business : in the Gaol of Lancaster.—*John Green*, Hulme, Manchester, out of business : in the Gaol of Lancaster.—*Robert Harrison*, Huyton-hill Park, near Burnley, Lancashire, out of business : in the Gaol of Lancashire.—*Bar Disdel*, Gedney-common, Gedney-hill, Lincolnshire, labourer : in the Gaol of Lincoln.—*Joseph David Roberts*, Holywell, Flintshire, commission agent : in the Gaol of Flint.—*Thomas Davies*, Oswestry, Shropshire, machine maker : in the Gaol of Shrewsbury.—*Charles Walls*, Langley, Kent, out of business : in the Gaol of Dover.—*John Hellavell*, Ogden, near Halifax, Yorkshire, out of business : in the Gaol of York.—*Amos Booth*, Daw-green, near Dewsbury, Yorkshire, grocer : in the Gaol of York.—*John Wadswoorth*, Huddersfield, Yorkshire, dyer : in the Gaol of York.—*Wm. France*, Stockton-upon-Tees, Durham, out of business : in the Gaol of York.—*Thomas Hope Richardson*, Birmingham, out of business : in the Gaol of Warwick.—*Wm. Bell*, Leeds, Yorkshire, cloth fuller : in the Gaol of York.—*Isaac Wood*, Bradford, Yorkshire, out of business : in the Gaol of York.—*William Sharp*, Pudsey, near Leeds, Yorkshire, out of business : in the Gaol of York.—*Wm. Broadhead*, Hunslet, near Leeds, Yorkshire, cloth drawer : in the Gaol of York.—*Francis Clark*, Crag Top, near Keighley, Yorkshire, farmer : in the Gaol of York.—*E. Sidney*, Bristol, in no business : in the Gaol of Bristol.—*T. Fulford*, Birmingham, brewer : in the Gaol of Warwick.—*Edward Bull*, Birmingham, commission agent : in the Gaol of Warwick.—*Joseph Jennings*, Sheffield, Yorkshire, out of business : in the Gaol of York.—*Edmund Nicholson*, York, tailor : in the Gaol of York.—*John Wilkinson*, York, out of business : in the Gaol of York.—*Wm. Holmes* the elder, Baildon, near Bradford, Yorkshire, out of business : in the Gaol of York.—*Robert Mills*, Leeds, Yorkshire, out of business : in the Gaol of York.—*George Cobb*, Leeds, Yorkshire, out of business : in the Gaol of York.—*Wm. Crossfield*, York, shoemaker : in the Gaol of York.—*Wm. R. Bigden*, Southampton, hatter : in the Gaol of Southampton.—*James Simpson*, Holbeck, near Leeds, Yorkshire, beer-house keeper : in the Gaol of York.—*John M. France*, Leeds, Yorkshire, general commission agent : in the Gaol of York.—*J. France*, Arthington, near Otley, Yorkshire, out of business : in the Gaol of York.—*John Bromehead*, Sheffield, Yorkshire, pen-blade grinder : in the Gaol of York.—*Joseph Watson*, Bradford, Yorkshire, provision dealer : in the Gaol of York.—*Henry Jowett*, Great Horton, near Bradford, Yorkshire, out of business : in the Gaol of York.—*George C. Fletcher*, York, out of business : in the Gaol of York.





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## THE JURIST.

LONDON, FEBRUARY 17, 1855.

\*THE granting of an injunction to restrain by the "writ remedial" any illegal or unjust exercise of either an assumed right, or one which, although legal in itself, it was contrary to the principles of equity to pursue at law, was, from the earliest period of our legal history, exercised only by the Courts of equity, and the writ issued in the name of the Lord Chancellor as Keeper of the King's Conscience, and on his Sovereign's behalf, enjoining a subject to abstain from enforcing any inequitable right, or doing any wrongful act.

This writ became in time greatly modified, both in form and substance, and for a very considerable period has practically been granted by the Lord Chancellor and the other judges in equity, not only in those extreme cases in which alone it was formerly obtained, but in all cases where, as between subject and subject, the right of the party applying for relief in equity was sufficiently clear; and the practice of granting interim injunctions until the final decision of the cause thence arose—a practice of great advantage to the suitors, as it often enabled parties to discuss the real merits of a case on an interlocutory application for an injunction, without incurring the great expense which the bringing of a cause to a hearing might entail. In practice, in equity, injunction causes rarely proceeded beyond this interlocutory stage, each party acquiescing in the judgment of the Court, and all further litigation was avoided. The fusion of law and equity, which seems, with reason, to have lately become a favourite theory both of legislators and of the Profession, has led, in all the recent acts of Parliament for the amendment of the

law, to the introduction of various provisions to promote this end. By the Common-law Procedure Act, 1854, sect. 79 et seq., power is given to the superior Courts of common law to grant a writ of injunction at any stage of a cause, in the mode prescribed by the act; and the 82nd section enacts, that "it shall be lawful for the plaintiff at any time after the commencement of the action, and whether before or after judgment, to apply ex parte to the court or a judge for a writ of injunction to restrain the defendant in such action from the repetition or continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contract, or injury of a like kind arising out of the same contract, or relating to the same property or right; and such writ may be granted or denied by the court or judge upon such terms, as to the duration of the writ, keeping an account, giving security, or otherwise, as to such court or judge shall seem reasonable and just; and in case of disobedience such writ may be enforced by attachment by the court, or, when such court shall not be sitting, by a judge."

By the 83rd section a defendant may plead, "for an equitable defence," such facts as would constitute a ground for relief in equity against a judgment at law.

These sections, if enforced in a liberal and reforming spirit by the Courts of common law, promise real benefit to litigants; but for this purpose equitable defences should be allowed, and the writ of injunction ought to be at least as freely granted by the Courts of law as by the equity judges, otherwise they will soon come to be a dead letter; and as the act in no way restricts or abridges the present jurisdiction of the Courts of equity to grant injunctions, application will always be made to those Courts for them. An impression seems to prevail among the judges, that to enable the common-law Courts to allow an equitable defence or to grant an injunction under these sections, a case should be made out by the applicant sufficient to enable

\* We are indebted to a learned member of the Chancery Bar for this article.

him in a court of equity to obtain an unconditional perpetual injunction. Now, according to the present practice of Courts of equity, no interlocutory injunction is granted except upon terms—the terms usually being, that the party obtaining the injunction undertakes to abide by any assessment of damages the Court may think fit to award his opponent in the event of the injunction being finally dissolved.

The Courts of law do not seem hitherto to have adopted or appreciated the value of such a rule, and the result sometimes is, that a party applying to a Court of law, without success, for an injunction, which upon the same grounds which he lays before the Court of law he would obtain in a court of equity, may be met afterwards in equity by the grave objection which is best stated in the language of the Bench in the case of *Megoe v. Megoe*, (2 Coop. t. Cottenham, 213). Sir J. Leach there says—"Of late years the Courts of common law have entertained applications upon principles the operation of which was formerly supposed to be confined to Courts of equity. It is true that this enlargement of the jurisdiction of the other Courts of Westminster Hall does not prevent this Court from exercising that jurisdiction which it has always possessed. But when a party, not thinking fit to come here in the first instance, goes into a court of common law, relying upon the equitable principles recently introduced there, and having failed, at last tries the experiment of a bill in Chancery, I am of opinion that I ought not to interfere. I make no doubt that a similar course would be adopted in a court of common law. I make no doubt that an application to its equitable jurisdiction would meet with little encouragement if it were known that this Court had not regarded the party as entitled to relief."

If this principle, which has been generally acknowledged and followed in recent cases, be still enforced, it is of the highest importance that suitors should not be driven from one court to another for relief, on the ground that it may be more easily obtained in equity than at law. The equitable title to an injunction should be the same on each side of Westminster Hall; and we may refer to an able little treatise on equitable defences by Mr. J. D. Mayne, as containing the material points on which the principles of equity are now applicable to actions at common law.

To fully carry out the beneficial sections of this statute, it is essential that Courts of law should follow the present practice of the Courts of equity on interlocutory applications for injunctions, and grant at least interim injunctions during the progress of a cause, upon the terms usually imposed, and thus obviate the necessity of a still continued severance of jurisdiction, and a resort to the Court of Chancery for a relief which it was intended should be obtained in a far simpler and cheaper mode at law.

#### NOTES OF THE WEEK.

A trader may be made a bankrupt upon a judgment debt from which he has been discharged in the Insolvent Court, although the having been taken in execution on such judgment led him to petition the Insolvent Court. The presentation of the petition may be treated as the act of bankruptcy. The Court referred to the judgment of Holroyd, J., in *Jellis v. Mountford*, (4 B. & A. 264), and said that the stat. 1 & 2 Vict. c. 110, by one section, put an end to the right of creditors to sue, but it also provided that the insolvent might be made bankrupt on the petition of such creditors as ap-

peared. (*Watson v. Humphrey and Another*, Exch., Feb. 9).

Towards the end of the Sittings for Middlesex after Term two Courts sat for the Queen's Bench and two for the Exchequer, under the Common-law Procedure Act, 1854, sect. 2, and thereby the long lists of cases in those courts were completely exhausted.

The Courts have on several recent occasions successfully exercised the power of adjournment which they possess under the Common-law Procedure Act, 1854, sect. 19.

#### Rebiscu.

*Chitty's Collection of Statutes, with Notes thereon; intended as a Circuit and Court Companion. The Second Edition, containing all the Statutes of practical Utility in the Civil and Criminal Administration of Justice to the Present Time. By W. N. WELSBY and EDWARD BEAVAN, Esqrs., Barristers at Law. In 4 vols.*

[Sweet, and Stevens & Norton, 1854.]

THIS important work is now completed, and four volumes of tolerable size comprehend all our statutes of practical utility. This of itself is a great advantage to all who are engaged in the administration of justice; but the value of the work is considerably enhanced by careful annotations to the various sections, whereby their effect and operation, as judicially determined, are placed side by side with the enactments themselves.

On a former occasion\* we reviewed the first and second volumes of this edition at some length, and we shall therefore now confine our observations to the succeeding volumes. The learned editors have worthily fulfilled, as they had begun, their task. They have received, as they must have needed, encouragement during the progress of their work; for, as each volume issued from the press, not only did it meet with the marked approbation of the Profession at large, but also of the learned judges. We believe it is now adopted as a circuit companion, to which reference is more frequently and usefully made than to any other book.

In the third and fourth volumes will be found the statutes upon the following (among many other) subjects:—Limitation of Actions; Parliament; Patents; Pleading; Practice; Poor; Railways; Registration; Sessions; Shipping; Stamps; and Wills. There is also a copious analytical index to the whole work. The printing of the titles "Poor" and "Sessions" is so arranged that they may be detached and bound up separately for use at sessions: the same plan, it will be remembered, was adopted with reference to "Criminal Law," in the second volume. We are glad to learn that the editors intend to issue annually a supplementary collection of statutes of practical utility of the preceding session, with notes upon the same basis as the larger work. One of these has already appeared, containing the statutes of the last session; inter alia, the Common-law Procedure Act, 1854, the Merchant Shipping Consolidation Act, 17 & 18 Vict. c. 104, the Bills of Sale Registration Act, the Friendly Societies Acts, and the one for abolishing the laws against usury.

In our former review we took occasion to point out some of the evils which arise from the multiplicity of statutes, and the careless manner in which they are framed. We have since that time met with a speech of Lord Chancellor Hardwicke, in the House of Lords, containing matter so pertinent to the subject, that we are tempted to extract portions of it on the present occasion†.

"We have it from the highest authority," said his

\* 16 Jur., part 2, p. 2.

† It was delivered during the debate on the Militia Bill in 1756. See Harris's "Life of Lord Hardwicke," vol. iii, p. 58.

Lordship, "that in the multitude of counsellors there 'is safety; but we in this nation may from experience say, that in the multitude of legislators there is confusion; for our statute-books are increased to such an enormous size that they confound every man who is obliged to look into them; and this is plainly owing to a great change which has by degrees crept into our constitution. In old times almost all the laws which were designed to be public acts, and to continue as the standing laws of this kingdom, were first moved for, drawn up, and passed in this House, where we have the learned judges always attending, and ready to give us their advice and assistance. From their knowledge and experience, they must be allowed to be best able to tell whether any grievance complained of proceeds from a non-execution of the laws in being, and whether it be of such a nature as may be redressed by a new law. In the former case a new law must be always unnecessary, and in the latter it must be ridiculous; and when by the opinion and advice of the judges we find that neither of these is the case, we have their assistance, whereby we are enabled to draw up a new law in such a manner as to render it effectual and easy to be understood. This is the true reason why in former times we had but very few laws passed in Parliament, and very seldom, if ever, a posterior law for explaining and amending a former.

"By this new method of law-making," continued his Lordship, "the business of the two Houses seems to be so much altered, that I really think the writs of summons ought to be altered; those for the other House ought now to be 'ad consulendum,' and those to the members of this 'ad consentiendum.' But this is far from being the only inconvenience: the other House, by their being so numerous, and by their being destitute of the advice and assistance of the judges, are too apt to pass laws which are either unnecessary or ridiculous, and almost every law they pass stands in need of some new law for explaining and amending it; and we in this House, either through complaisance or through want of time, are but too apt to give our consent, often without any amendment. By this means it is that our statute-books have of late years increased to such an enormous size, that no lawyer, not even one of the longest and most extensive practice, can pretend to be master of all the statutes that relate to any one case that comes before him; and this evil goes on increasing so much every year, that it is high time for this House to begin to put a stop to it, by resolving not to pass any bill for introducing a new and standing law that comes from the other House, unless it comes up so early in the session as to leave us sufficient time to take the advice and assistance of the judges upon it, and to consider every clause of it maturely\*; and in every such case we ought to consider whether a new law be necessary for the purpose intended; for no new law ought ever to be made unless it appears to be absolutely necessary, as a multitude of useless laws is one of the greatest plagues a people can be exposed to. In the next place, we ought to consider whether the inconvenience or grievance intended to be removed be of such a nature as to admit of being cured by any human law; for if it be not, we render ourselves ridiculous by the attempt. In the third place, we ought to consider whether, by endeavouring to remove the grievance or misfortune complained of, we may probably introduce a much greater; and in the fourth place, we ought to examine very strictly whether the law be conceived in such terms as may be effectual for the end intended, and the several clauses so clearly expressed as can admit of no doubt."

\* Such a resolution was passed in the House of Lords in the session of 1853.

## THE LAW OF BLOCKADE.

THE following is an extract from Dr. Waddilove's paper read before the Statistical Society on the 16th ult. It will be found to contain an interesting review of the progress of international law upon the subject of blockade:—

"The object of the present paper is to point out the great change that has taken place in an important principle of our declared international law, as manifested by the recent Orders of her Majesty in Council, and to shew, that, notwithstanding their important advance towards amelioration, they still justify a course of action which, causing serious inconvenience to the passive and inoffensive neutral, is productive of but doubtful injury to our enemy, while it inflicts certain loss on ourselves, and hence to deduce a hope that the same spirit which has so manifestly characterised the conduct of Great Britain will still further develop itself, and that this country will eventually, in conjunction with the United States of America and the several powers of Europe, unanimously and unequivocally declare that the property of private individuals is as sacred on the ocean as it is on land.

"In tracing the history of this subject, I have been led to select the treaty of Utrecht as my first landmark; because by the terms of that treaty were first distinctly laid down, acknowledged, and promulgated the rights of maritime neutral nations, and because on the terms of that treaty were based the several subsequent commercial relations established between the chief maritime nations of Europe, and which remained uncontroverted until the wars of the French revolution.

"The words in point of that treaty are, (Art. 17)—'And it is now stipulated concerning ships and goods, that free ships shall also give a freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board belonging to the subjects of either of the confederates, although the whole lading, or any part thereof, should appertain to the enemies of either of their Majesties, contraband of war being always excepted.'

"Here we have the principle, that free ships make free goods, distinctly enunciated. It must, however, be borne in mind, that this was but the stipulation of a treaty—a sort of special compact to exempt the parties to it from the application of the ordinary rule of international law, viz. 'that the property of an enemy on board a neutral ship is good and lawful prize'—a maxim adopted by our own legal tribunals, as also by those of the United States of America, notwithstanding that country, from the very dawn of her existence as a nation, adhered to the opposite doctrine in her several commercial treaties.

"When this treaty of Utrecht was put an end to by the war of 1756, England abandoned its provisions, and thus fell back upon the rule of general international law, and hesitated not to enforce, in the most energetic and determined manner, her obnoxious belligerent rights; hence resulted the convention formed against her known as the armed neutrality of 1780. Notwithstanding, however, that formidable combination, composed of the United States of America, as well as the maritime powers of Europe, England, trusting to her naval superiority, and conceiving that to permit traffic in her enemy's merchandise would be injurious to her interests, resolved to seize, under the sanction of maritime international law, (as interpreted by her jurists and laid down by her judicial tribunals), the property of her enemy when on the ocean, wherever it could be found, whether in the vessel of friend or foe; and thus single-handed she braved the storm of aggression with which she was assailed.

"The peace of 1783 for a time laid the question at

rest, until the war with France, consequent on the French revolution which broke out in 1793, again revived all the hostile feeling between that country and Great Britain. The right of seizing the enemy's property on board neutral vessels was again insisted on, and declared to be in accordance with the soundest principles of international law; and the navy of Great Britain, much increased in number since the last war, aided by numerous privateers, (a kind of legalised pirate, now happily unknown), was actively employed in overhauling neutral vessels for the search of enemy's property.

"The northern nations of Europe, with Russia at their head, again combined for the purpose of resisting this inroad on neutral rights in the month of December, 1800. A treaty renewing the confederacy for an armed neutrality was concluded between Russia and Sweden, to which Denmark and Prussia quickly gave their adherence. England, however, undeterred, still repudiated the maxim, 'that free ships make free goods.'

"There has always been an endeavour on the part of a country to foster and protect the commerce of its colonies. In her desire to accomplish this, France had, during her wars with England, invited other nations to trade with the French possessions in the West Indies, offering thereby to neutrals a privilege during war from which they were sedulously excluded during peace. The Prize Courts of this country had condemned that practice as far back as the year 1756, by a declaration of the principle, 'that a neutral has no right to deliver a belligerent from the pressure of his enemies' hostilities by trading with his colonies in time of war in a way that was prohibited in time of peace.' France, however, persisted in her course of action; and in the war of 1793 she again openly invited neutrals to trade with her colonies, although as an integral part of the French territory they were to England hostile ground. England, therefore, immediately issued instructions for the seizure of all vessels bringing goods from or carrying supplies to the colonies of her enemies.

(To be continued).

### London Gazette.

FRIDAY, FEBRUARY 9.

#### BANKRUPTS.

**JOHN ANDREWS CLARKE and JOSEPH DAVISON**, Cheap-side, London, warehousemen, Feb. 20 at half-past 1, and March 27 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Reed & Co., 59, Friday-street, Cheap-side, London.—Petition filed Feb. 7.

**JOSHUA MONCKTON**, King-street, Baker-street, Middlesex, licensed victualler, dealer and chapman, Feb. 17 and March 23 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry, London.—Petition filed Feb. 8.

**WILLIAM HOLLOWAY**, Millbank-street, Westminster, Middlesex, saddler and harness maker, Feb. 22 at 11, and March 22 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Withall, 7, Parliament-st., Westminster, Middlesex.—Petition filed Feb. 8.

**THOMAS BROOKS**, Henrietta-st., Covent-garden, Middlesex, and Sandown, Isle of Wight, Southampton, wine and spirit merchant and hotel keeper, (lately in partnership with Thomas Henry Brooks at Benet's-hill, London, as lace manufacturers), Feb. 20 at 2, and March 19 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Lawrance & Co., Old Jewry-chambers, Old Jewry, London.—Petition filed Feb. 9.

**HENRY PAINE**, Strand and Charing-cross, Middlesex, and Boddington Lodge, Battersea-fields, Battersea, Surrey, tailor, dealer and chapman, Feb. 27 at half-past 12, and March 22 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Braddon, 12, South-square, Gray's-inn, Middlesex.—Petition filed Feb. 7.

**CHARLES HEATON and JAMES HEATON**, Lime-st., London, and White Lion-street, Spitalfields, Middlesex, export oilmen, dealers and chapmen, Feb. 22 at half-past 1, and March 22 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrance & Co., Old Jewry-chambers, Old Jewry, London.—Petition presented Dec. 21, 1854.

**ALFRED SPENCE**, Chilworth, near Guildford, Surrey, paper manufacturer, Feb. 23 at 2, and March 20 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. J. & S. Solomon, 136, Fenchurch-street, London.—Petition filed Jan. 29.

**JOHN BUCHANAN**, Moorgate-street, London, upholsterer and cabinet maker, Feb. 23 at 1, and March 20 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Allen & Nicol, 88, Queen-street, Cheap-side, London.—Petition filed Feb. 5.

**JAMES CROUCH and JOB CROUCH**, Wimbledon, Surrey, builders, dealers and chapmen, Feb. 20 at 2, and March 20 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry, London.—Petition filed Nov. 23, 1854.

**ALEXANDER KIRKALDY**, St. Mary-at-Hill, Tower-st., London, letter-press printer, engraver, dealer and chapman, Feb. 20 at half-past 2, and March 20 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Gregson & Son, 8, Angel-court, Throgmorton-st., London.—Petition filed Feb. 5.

**JAMES UNDERWOOD**, Epsom, Surrey, victualler, dealer and chapman, Feb. 21 at half-past 1, and March 24 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Young, Serjeants'-inn, Fleet-street, London.—Petition dated Feb. 7.

**JOHN WALTER RYMILL**, Paul's Wharf, Upper Thames-street, London, paper agent, rag merchant, dealer and chapman, Feb. 21 at 12, and March 31 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Goren, 29, South Molton-street.—Petition dated Jan. 31.

**GEORGE WARD GILBERT**, Hammersmith, Middlesex, licensed victualler, Feb. 17 at half-past 2, and March 24 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Lewis, 7, Wilmington-square, Clerkenwell, Middlesex.—Petition dated Feb. 5.

**JAMES BIRD**, Canton, near Cardiff, Glamorganshire, lime and cement manufacturer, Feb. 19 and March 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Bevan & Girling, Bristol.—Petition filed Feb. 2.

**JOSEPH HARROP and JAMES HARROP**, Westbury, Wiltshire, woollen manufacturers, Feb. 19 and March 20 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Bevan & Girling, Bristol.—Petition filed Feb. 5.

**JAMES ELLIS**, Birmingham, fender manufacturer, dealer and chapman, Feb. 23 and March 17 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Hawkes, Birmingham.—Petition dated Feb. 6.

**ENOCH LEA**, Holly-wood, King's Norton, Worcestershire, grocer and provision dealer, Feb. 19 and March 12 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Rushworth, Birmingham.—Petition dated Feb. 6.

**SAMUEL PLIMSOLL**, Sheffield, Yorkshire, coal merchant, dealer and chapman, Feb. 24 and March 17 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Hooles & Yeomans, Sheffield.—Petition dated Feb. 7.

**FREDERICK BULCOCK**, Colne, Lancashire, grocer, Feb. 19 and March 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Carr, Colne; Atkinson & Last, Manchester.—Petition filed Jan. 30.

**RICHARD BROXAP, JOHN BROXAP, JAMES BROXAP, and WILLIAM BROXAP**, Burnley, Lancashire, cotton manufacturers, dealers and chapmen, (trading under the firm of Richard Broxap & Brothers), Feb. 23 and March 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Messrs. Hampson, Manchester.—Petition filed Feb. 3.

**GEORGE ROCHESTER**, Bishopwearmouth, Durham, linen and woollen draper, dealer and chapman, Feb. 22 at half-past 12, and March 20 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Griffith & Crighton, Newcastle-upon-Tyne.—Petition filed Feb. 6.

**WILLIAM MARTIN**, Newcastle-upon-Tyne, joiner and house carpenter, Feb. 20 at 11, and March 14 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Asa Baker; Sols. Hodge & Harle, Newcastle-upon-Tyne.—Petition filed Feb. 3.

## MEETINGS.

**Henry Davies** and **Wm. Davies**, Liverpool, sharebrokers, Feb. 22 at 11, District Court of Bankruptcy, Liverpool, ch. as.—**John Taylor** and **James Burton**, Stockport, Cheshire, power-loom cloth manufacturers, Feb. 26 at 12, District Court of Bankruptcy, Manchester, last ex.—**George Rudd Westell**, Noble-st., Wood-st., London, commission agent, Feb. 21 at half-past 1, Court of Bankruptcy, London, aud. ac.—**George Harris de Russell**, Birchinn-lane, London, merchant, Feb. 23 at half-past 11, Court of Bankruptcy, London, aud. ac.—**James Henry Mackey**, St. Helen's-place, London, merchant, Feb. 22 at 11, Court of Bankruptcy, London, aud. ac.—**Nathan Jacob Calisher**, Norfolk-street, Strand, Middlesex, jeweller, Feb. 22 at 11, Court of Bankruptcy, London, aud. ac.—**Joseph Parry**, Liverpool, bricklayer, Feb. 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**T. Mellor** and **S. Eason**, Liverpool, merchants, Feb. 21 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Edward Bratten**, Northwich, Lancashire, upholsterer, Feb. 21 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—**Joseph Wooler**, Stockton-on-Tees, Durham, draper, Feb. 20 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**John Cresswell Jobling**, Newton Hall, Bywell St. Peter, Northumberland, dealer in lead ore, Feb. 27 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**R. Gill**, Black Banks, near Darlington, Durham, brick manufacturer, Feb. 20 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**James Ogle Holmes** and **Young Lawson Marshall**, Sunderland, Durham, timber merchants, Feb. 20 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**Joseph Slack**, Newcastle-upon-Tyne, ship broker, Feb. 20 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**John Barnes**, Ulverston, Lancashire, grocer, Feb. 28 at 12, District Court of Bankruptcy, Manchester, aud. ac.; March 7 at 12, div.—**Joseph Ellis**, Bishophorpe, Yorkshire, farmer, March 3 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac.; at 12, first and fin. div.—**John Willey**, High-street, Borough, Surrey, cabinet maker, March 9 at half-past 11, Court of Bankruptcy, London, div.—**Wm. Clerk**, Surbiton, Kingston-upon-Thames, Surrey, builder, March 8 at half-past 1, Court of Bankruptcy, London, div.—**Henry Chatteris**, Lothbury, London, merchant, March 8 at 11, Court of Bankruptcy, London, div.—**John Wallace**, Gordon's Hotel, Covent-garden, Middlesex, merchant tailor, March 3 at 1, Court of Bankruptcy, London, div.—**Thomas Carter**, Reading, Berkshire, jeweller, March 5 at 12, Court of Bankruptcy, London, div.—**John Plimmer**, Britton-street, Chelsea, Middlesex, brewer, March 2 at 11, Court of Bankruptcy, London, div.—**Frederick Chater**, Wolverhampton, Staffordshire, chemist, March 3 at 12, District Court of Bankruptcy, Birmingham, div.—**John Mills**, Leeds, Yorkshire, printer, March 2 at 11, District Court of Bankruptcy, Leeds, div.—**Thos. Wadsworth**, Macclesfield, Cheshire, silk dealer, Feb. 26 at 12, District Court of Bankruptcy, Manchester, last ex.

## CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**Edward Handley**, King William-street, Strand, Middlesex, licensed victualler, March 3 at 1, Court of Bankruptcy, London.—**John Land Roper**, Rochester, Kent, linendraper, March 2 at 1, Court of Bankruptcy, London.—**Jas. Warwick Woodbridge**, Martin's-lane, Cannon-street, London, shipowner, March 6 at half-past 1, Court of Bankruptcy, London.—**Frederick Coker**, Hackney-road, Middlesex, stationer, March 2 at 2, Court of Bankruptcy, London.—**Naphtali Hart**, Liverpool, butcher, March 6 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

**Edmund Short**, Blandford Forum, Dorsetshire, horse dealer.—**Henry J. Stewart**, Jermyn-street, Middlesex, hotel keeper.—**John Fenton**, Three Colt-street, Limehouse, Middlesex, draper.—**George Baseke**, St. George's-place, Knightsbridge, Middlesex, tobacconist.—**William Henry Chidwick**, Dover,

Kent, tobacconist.—**Henry Jannings**, Laurie-terrace, Westminster-road, Surrey, ironmonger.—**Isaac Barnett**, Gloucester-terrace, Hoxton Old-town, Middlesex, watchmaker.—**J. Awey**, West Tarring, Sussex, market gardener.—**R. Adams**, Liverpool, merchant.—**W. Grainger** the younger, Wakefield, Yorkshire, porter merchant.—**Joseph Ellis**, Bishophorpe, Yorkshire, farmer.

## SCOTCH SEQUESTRATIONS.

**J. R. & J. Foulds**, Edinburgh, commission agents.—**John Salmon & Sons**, Glasgow, power-loom cloth manufacturers.—**Francis & Charles Eaton**, Glasgow, masons.—**Robert Walker**, Glasgow, brassfounder.—**A. M'Leilan**, Glasgow, coachmaker.—**Daniel Ricketts**, Glasgow, lively-stable keeper.—**Thomas Robertson**, Glasgow, nurseryman.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**John Stanley**, Cambridge, scale maker, Feb. 22 at 10, County Court of Cambridgeshire, at Cambridge.—**J. Taylor**, Halifax, Yorkshire, woollen manufacturer, Feb. 23 at 10, County Court of Yorkshire, at Halifax.—**James Midgley**, Halifax, Yorkshire, builder, Feb. 23 at 10, County Court of Yorkshire, at Halifax.—**Joshua Smith**, Halifax, Yorkshire, builder, Feb. 23 at 10, County Court of Yorkshire, at Halifax.—**John Hoyle**, Halifax, Yorkshire, shoemaker, Feb. 23 at 10, County Court of Yorkshire, at Halifax.—**Anthony Percy**, South Shields, Durham, publican, Feb. 22 at 10, County Court of Durham, at South Shields.—**J. Hunt**, Northchurch, Hertfordshire, timber dealer, Feb. 12 at 11, County Court of Buckinghamshire, at Cheam.—**Edward Wm. Potter**, Coventry, Warwickshire, cabinet maker, Feb. 22 at 12, County Court of Warwickshire, at Coventry.—**Richard G. Pym**, Woodburn, Buckinghamshire, grocer, Feb. 13 at 11, County Court of Buckinghamshire, at High Wycombe.—**Wm. Nicholas**, Colwell, Freshwater, Isle of Wight, Hampshire, grocer, Feb. 28 at 10, County Court of Hampshire, at Newport.—**W. Alcock**, Prestbury, Gloucestershire, shoemaker, March 2 at 10, County Court of Gloucestershire, at Cheltenham.—**John Barratt**, Cheltenham, Gloucestershire, out of business, March 2 at 10, County Court of Gloucestershire, at Cheltenham.—**J. Cobley**, Exeter, baker, Feb. 27 at 10, County Court of Devonshire, at Exeter.—**Richard Merriis**, Oldbury, Halesowen, Worcestershire, farmer, Feb. 24 at 10, County Court of Staffordshire, at Oldbury.—**Herbert Matthews**, West Bromwich, Staffordshire, out of business, Feb. 24 at 10, County Court of Staffordshire, at Oldbury.—**Benjamin Fenton**, Smethwick, Harborne, Staffordshire, moulder, Feb. 24 at 10, County Court of Staffordshire, at Oldbury.—**John Garland**, West Bromwich, Staffordshire, collier, Feb. 24 at 10, County Court of Staffordshire, at Oldbury.—**Thomas Lees**, West Bromwich, Staffordshire, hairdresser, Feb. 24 at 10, County Court of Staffordshire, at Oldbury.—**Wm. Lording**, Lydd, near New Romney, Kent, coal merchant, Feb. 20 at 11, County Court of Kent, at Romney.—**James Powell**, Thornbury, Gloucestershire, grocer, Feb. 23 at 11, County Court of Gloucestershire, at Thornbury.—**Thos. Oates**, York, out of business, Feb. 26 at 10, County Court of Yorkshire, at York.—**George Cole**, York, innkeeper, Feb. 26 at 10, County Court of Yorkshire, at York.—**Wm. Humphrey** the younger, Trowbridge, Wiltshire, painter, Feb. 16 at 12, County Court of Wiltshire, at Trowbridge.—**H. Kiddy**, Birmingham, baker, Feb. 24 at 11, County Court of Warwickshire, at Birmingham.—**George Hancock**, Birmingham, shoe manufacturer, Feb. 24 at 11, County Court of Warwickshire, at Birmingham.—**Samuel Thomas**, Birmingham, retail brewer, Feb. 24 at 11, County Court of Warwickshire, at Birmingham.—**Robert Sproston**, Birmingham, auctioneer, Feb. 24 at 11, County Court of Warwickshire, at Birmingham.—**Allen Russell**, Birmingham, out of business, Feb. 24 at 11, County Court of Warwickshire, at Birmingham.—**Benjamin T. Goode**, Moseley, Worcestershire, out of employment, Feb. 24 at 11, County Court of Warwickshire, at Birmingham.—**Samuel Cadwallader**, Birmingham, galvanised iron worker, Feb. 24 at 11, County Court of Warwickshire, at Birmingham.—**Wm. H. Davis**, Birmingham, greengrocer, Feb. 24 at 11, County Court of Warwickshire, at Birmingham.—**John Clark**, Birmingham, coach painter, Feb. 24 at 11, County Court of Warwickshire, at Birmingham.—**Hugh Morgan**, Birmingham, travelling draper, Feb. 24 at 11, County Court of Warwickshire, at Birmingham.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 23 at 10, before the CHIEF COMMISSIONER.*

*John Biller, Chislehurst, Kent, solicitor's clerk.—George Barham, Whitechapel-road, Whitechapel, Middlesex, manager of a coffee-house.—Richard Speller, Jamaica-row, Millpond-bridge, Bermondsey, Surrey, assistant to a chemist.*

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 23 at 10, before the CHIEF COMMISSIONER.*

*Jules George Kammerer, Cranbourne-street, Leicester-square, Middlesex, licensed victualler.—E. Hallett, Leman-street, Goodman's-fields, Middlesex, baker.*

*Feb. 23 at 10, before Mr. Commissioner MURPHY.*

*John Fish, Circus-road, Gospel Oak-field, Kentish-town, Middlesex, plumber.—Richard Brooks, Upper Berkeley-st. West, Hyde-park-square, Middlesex, cheesemonger.*

*Feb. 24 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Havinden, Park-street, Bromley, Middlesex, milkman.—Henry Robert Tyler, Staines, Middlesex, coachmaker.—Robert David Ogilvy, Tollington-lodge, Harrington-grove, Tollington-park, Hornsey-road, Islington, Middlesex, doll maker.—Christian Dorien Godfrey Henry Kúpke, Gracechurch-street, London, commission agent.—Henry Bescoby, Milton-street, Cripplegate, London, tallow chandler.*

*Feb. 26 at 11, before Mr. Commissioner PHILLIPS.*

*W. Edward Schottlander, Brunswick-street, Dover-road, Southwark, Surrey, commission agent.*

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cheshire, at CHESTER CASTLE, Feb. 21.*

*Samuel Taylor, Stockport, warper in a cotton mill.—M. Kain, Stockport, in no business.—Joseph Ardern, Weaverham, farmer.—Joseph Litter, Dunham-o'-th'-Hill, Thornton, labourer.—R. Brown, Mobberley, near Knutsford, agricultural labourer.—John Ardern, Weaverham, labourer.—Joseph Ardern, Weaverham, labourer.*

*At the County Court of Cambridgeshire, at CAMBRIDGE, Feb. 22.*

*John Jarman, Newnham, Ely, ropemaker.*

*At the County Court of Hampshire, at SOUTHAMPTON, Feb. 24.*

*Wm. Robinson Bigden, Southampton, hatter.*

*At the County Court of Durham, at DURHAM, Feb. 26.*

*William Ferguson, West Hartlepool, ironfounder.—John Hodgson, Gateshead, out of business.—G. Garrett, Stockton-upon-Tees, dealer in guano.—John Thomas Phillips, South Shields, assistant grocer.—Benj. Glossop Thompson, Ferryhill Station, mason.—Thos. Rutter Burdiss, South Shields, glass-blower.*

*At the County Court of Yorkshire, at YORK CASTLE, Feb. 26.*

*Wm. Henry Bagshaw, York, out of business.—J. Walker, Bradford, butter factor.—George Wager Shaw, Doncaster, waterman.—Isaac Brook, New Leeds, Bradford, greengrocer.—John Wood, Little Horton, near Bradford, newspaper reporter.—John Dwal, Huddersfield, out of business.—Eliza Sykes, Sheffield, manager to a millinery establishment.—E. Stacey, Sheffield, out of business.—Wm. Myers, Leeds, out of business.—George Cant, Sheffield, out of business.—John Dawms, Sheffield, out of business.—Frederick James Fowler, Sheffield, out of business.—Jonathan Hellawell, Ogden, near Halifax, farmer.—A. Booth, Daw Green, Dewsbury, grocer.—W. France, Stockton-on-Tees, Durham, out of business.—J. Jennings, Sheffield, and Hackenthorpe, near Brighton, Derbyshire, out of business.—Isaac Wood, Bradford, out of business.—Edmund Nicholson, York, tailor.—John Bromhead, Sheffield, pen-blade grinder.—John France, Arthington, near Otley, out of business.—John Morrill France, Leeds, general commission agent.—Wm. Sharp, Pudsey, near Leeds, out of business.—William Broadhead, Hunslet, near Leeds, cloth*

*drawer.—Wm. Holmes the elder, Baildon, near Bradford, out of business.—Robert Mills, Leeds, out of business.—Geo. Cobb, Leeds, out of business.—Joshua Hanson, Birstal, out of business.—James Simpson, Holbeck, near Leeds, beer-house keeper.—Wm. Bell, Leeds, cloth fuller.—Jeremiah Stead, Mirfield, out of business.—Joseph Hepworth, Hightown, near Leeds, card-teeth maker.—Francis Clark, Crag Top, near Keighley, farmer.—John Wilkinson, York, out of business.—John Wadsworth, Huddersfield, dyer.—Jonathan Dixon, Hill-house, near Huddersfield, out of business.—J. Watson, Bradford, linendraper.—H. Jowett, Great Horton, Bradford, out of business.—William Crossfield, York, shoemaker.—Geo. C. Fletcher, York, out of business.*

**TUESDAY, FEBRUARY 13.**

**BANKRUPTS.**

**JOSEPH LILEY and RICHARD REEVES COX, Day's-court, Gutter-lane, London, warehousemen, dealers and chapmen, Feb. 27 at half-past 1, and March 27 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Cox, Pinner's Hall.—Petition filed Feb. 5.**

**EDWARD BENJAMIN CLARKSON, Bread-street, London, manufacturer's agent, dealer and chapman, Feb. 27 at 2, and March 29 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Marten & Co., Mincing-lane.—Petition filed Feb. 1.**

**BENJAMIN GRUT, Sambrook-court, Basinghall-street, London, merchant, dealer and chapman, (trading under the style or firm of Benjamin Grut & Co.), Feb. 23 at 11, and March 30 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Ashurst & Co., 6, Old Jewry.—Petition filed Feb. 7.**

**THOMAS WHITFORD NICHOLS, York-road, Battersea, Surrey, candle manufacturer and lessee of steam-boats plying for hire, dealer and chapman, Feb. 23 and March 30 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Reynolds, Chancery-lane.—Petition filed Feb. 9.**

**JOHN DICKIE and DAVID DICKIE, Portsea, Southampton, drapers, dealers and chapmen, Feb. 23 at 1, and March 20 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Sole & Co., 68, Aldermanbury, London.—Petition filed Feb. 3.**

**ROBERT DANIEL, Victoria Wharf, Union-place, Pimlico, Middlesex, stone merchant, Feb. 23 and March 20 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Breeze, 4, South-square, Gray's-inn, Middlesex.—Petition filed Feb. 12.**

**HENRY GIBSON, Gracechurch-street, London, merchant, dealer and chapman, Feb. 28 at 1, and March 27 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Goddard & Eyre, 101, Wood-street, Cheapside.—Petition filed Feb. 3.**

**SAMUEL KING, Buckland, and CHARLES KING, Draycott Moor, Berkshire, wheelwrights, and both of Cowley, Oxfordshire, builders, Feb. 20 at half-past 1, and March 27 at 1, Court of Bankruptcy, London: Off. Ass. Stanafeld; Sols. Bartlett, Abingdon, Berkshire; Ford & Lloyd, 5, Bloomsbury-square.—Petition filed Feb. 10.**

**WILLIAM CLOSE CURRIE, Moorgate-street, London, merchant, (trading under the firm of Currie, Dale, & Co.), Feb. 21 at 2, and April 4 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Wilde & Co., 21, College-hill, London.—Petition dated Feb. 3.**

**THOMAS POLLARD and ARTHUR JOHN SYMONDS, Guildford, Surrey, builders, dealers and chapmen, Feb. 23 at 12, and March 31 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. White, Guildford, Surrey; Murrough, 5, New-inn, Strand.—Petition dated Feb. 12.**

**JONATHAN HANFORD GODBER, FREDERICK GODBER, and JULIUS WALLACE HOWES, Eastwood, Nottinghamshire, drapers, dealers and chapmen, Feb. 27 and March 20 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Bowley, Nottingham.—Petition dated Feb. 10.**

**JOSEPH WOOD and JAMES WOOD, Allerton, Bradford, Yorkshire, spinners and manufacturers, dealers and chapman, Feb. 23 and March 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Taylor, Bradford; Blackburn, Leeds.—Petition dated Feb. 3.**



**JAMES LBA**, Birmingham, builder, dealer and chapman, Feb. 23 and March 17 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Hodgson, Birmingham.—Petition dated Feb. 9.

**JOHN CARTER** the younger and **CHARLES CARTER**, Clifton, Bristol, brewers, wine, beer, and spirit merchants and sellers, dealers and chapmen, (trading under the style or firm of Carter & Co.), Feb. 27 and March 26 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Taddy, and Bevan, Bristol.—Petition filed Jan. 27.

**WILLIAM PREST**, York, painter, Feb. 26 at half-past 11, and March 26 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Walker, York; Bond & Barwick, Leeds.—Petition dated Feb. 7.

**JOHN ANDERSON**, Horton, Bradford, Yorkshire, grocer, dealer and chapman, March 2 and 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Butler, Bradford; Bond & Barwick, Leeds.—Petition dated Feb. 10.

**RALPH MARTINDALE**, Low Harrogate, Yorkshire, draper, dealer and chapman, Feb. 26 at 1, and March 27 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Sale & Co., Manchester; J. & W. H. Richardson & Gaunt, Leeds.—Petition dated Feb. 5.

**DRAPER SUTCLIFFE**, Longwood, Huddersfield, Yorkshire, woollen cloth manufacturer, Feb. 26 and March 26 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. & W. Sykes, Huddersfield; Bond & Barwick, Leeds.—Petition dated Feb. 10.

**WILLIAM ADDY** and **THOMAS ADDY**, Leeds, Yorkshire, cloth manufacturers, (trading and carrying on business under the style or firm of William & Thomas Addy), Feb. 26 and March 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. & W. H. Richardson & Gaunt, Leeds.—Petition dated Feb. 3.

**HENRY LUDLAM** and **JOSEPH REANEY**, Sheffield, Yorkshire, ironmongers, gas fitters, dealers and chapmen, Feb. 24 and March 31 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Ryalls, Sheffield.—Petition dated Feb. 7.

**JOHN SEYMOUR HART**, Liverpool, tailor and draper, dealer and chapman, Feb. 22 and March 15 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Greatley, Liverpool.—Petition filed Feb. 8.

**CLIFFORD FIRTH**, Liverpool, broker, dealer and chapman, Feb. 27 and March 19 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Townsend & Ridley, Liverpool.—Petition filed Feb. 10.

**JOHN CARVER**, Liverpool, licensed victualler, Feb. 27 and March 19 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Toulmin, Liverpool.—Petition filed Feb. 10.

#### MEETINGS.

**George Clismance**, St. Albans, Hertfordshire, baker, Feb. 27 at half-past 1, Court of Bankruptcy, London, last ex.—**Charles J. C. Elkington**, Hall-street, City-road, Middlesex, electro-plate manufacturer, Feb. 27 at —, Court of Bankruptcy, London, last ex.—**Nicholson John Gardner**, Water-lane, London, commission agent, Feb. 28 at 12, Court of Bankruptcy, London, aud. ac.—**Robert Pledge**, Croydon, Surrey, grocer, Feb. 28 at 12, Court of Bankruptcy, London, aud. ac.—**John Peter White**, Mark-lane, London, merchant, Feb. 27 at 2, Court of Bankruptcy, London, aud. ac.—**John P. Waterson**, Alexander-terrace, Westbourne-park-road, Paddington, Middlesex, builder, Feb. 27 at half-past 12, Court of Bankruptcy, London, aud. ac.—**Richard Waistell**, Noble-st., London, warehouseman, Feb. 28 at 12, Court of Bankruptcy, London, aud. ac.—**Walter Kees**, Hungerford, Berkshire, hay dealer, Feb. 28 at half-past 12, Court of Bankruptcy, London, aud. ac.—**J. Evans**, Lupus-st., Pimlico, Middlesex, builder, Feb. 28 at 1, Court of Bankruptcy, London, aud. ac.—**Theophilus Bethell**, Riley-street, Bermondsey, Surrey, licensed victualler, Feb. 27 at —, Court of Bankruptcy, London, aud. ac.—**F. Geo. Atkins**, London-street, Greenwich, Kent, watchmaker, March 1 at half-past 11, Court of Bankruptcy, London, aud. ac.—**Jas. Pigg**, Waterbeach, Cambridgeshire, grocer, March 6 at 1, Court of Bankruptcy, London, div.—**Philip Wesley Hardwick**, Regent-street, Middlesex, dealer in ribbons, March 7 at 1, Court of Bankruptcy, London, fin. div.—**Henry Steel**, Norwich, tea dealer, March 7 at 1, Court of Bankruptcy, London, fin. div.—**Thomas Nicholls Vosper**, Launceston,

Cornwall, draper, March 6 at 11, Court of Bankruptcy, London, div.—**Joseph Bales**, Stevenage, Hertfordshire, builder, March 6 at 11, Court of Bankruptcy, London, div.—**Frances Fanny Nevett** and **John Finlayson**, Hampstead-road, Middlesex, brassfounders, March 6 at half-past 11, Court of Bankruptcy, London, div.—**Wm. Shackell**, Regent's Canal, St. Pancras, and Hammersmith, Middlesex, coal-tar manufacturer, March 7 at half-past 12, Court of Bankruptcy, London, div.—**Charles Jacob**, Ingram-court, Fenchurch-street, London, merchant, March 7 at 11, Court of Bankruptcy, London, div.—**Charles Proctor**, Witham, Essex, wine merchant, March 7 at 12, Court of Bankruptcy, London, div.—**George Nicholas S. Chapman**, Boughton Malherbe, Kent, dealer, March 7 at half-past 11, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**Henry Savill**, Colchester, Essex, grocer, March 7 at half-past 12, Court of Bankruptcy, London.—**Robert Board**, Churchingford, Devonshire, blacksmith, March 7 at 1, District Court of Bankruptcy, Exeter.—**John Evans**, Exeter, bookseller, March 7 at 1, District Court of Bankruptcy, Exeter.—**James Hall**, Manchester, commission agent, March 8 at 12, District Court of Bankruptcy, Manchester.—**John Samuel Smith**, Liverpool and Manchester, drysalter, March 1 (and not March 21, as advertised in the Gazette of the 6th inst.) at 12, District Court of Bankruptcy, Manchester.—**Alfred Reynolds**, Birmingham, iron merchant, March 8 at half-past 10, District Court of Bankruptcy, Birmingham.—**George Newmarch**, Nottingham, hatter, March 13 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an appeal be duly entered.*

**Richard Clark**, West Strand, Middlesex, lamp merchant.—**Sommersby Edwards**, Long Buckley, Northamptonshire, scrivener.—**Wm. Henry Woodhouse**, Woolwich, Kent, brewer.—**George Stokes**, Gloucester-road, Old Brompton, Middlesex, boarding-house keeper.—**Francis Pinn**, Queen's-buildings, Knightsbridge, and Stockbridge-terrace, Pimlico, Middlesex, baker.—**Wm. Hunt**, Bedford-row, Middlesex, wine merchant.—**R. Lewis**, Wotton-under-Edge, Gloucestershire, cloth manufacturer.—**Chas. Level**, Ely, Cambridgeshire, ironmonger.—**Thomas John Holloway**, Salisbury, Wiltshire, rope manufacturer.—**Wm. Hudson**, Church-street, Hackney, Middlesex, grocer.—**Wm. White**, Peterborough-villas, St. John's-wood, Middlesex, builder.—**George Jones** and **Edmund Clegg**, Salford, Lancashire, ironfounders.—**Edward Michelson**, Manchester, woollen merchant.—**Samuel Craig**, Nuneaton, Warwickshire, grocer.—**J. Brown**, West Bromwich, Staffordshire, corn factor.—**George Barry** the younger, Willenhall, Staffordshire, ironmonger.—**Charles Melen**, Birmingham, baker.—**James Back**, Ludlow, Shropshire, auctioneer.

#### PETITIONS ANNULLED.

**David Leudesdorf**, St. Martin's-le-Grand, London, commission agent.—**Geo. Hickey** and **Thos. Pilling**, Edenwood, near Edenfield, Lancashire, sizars.

#### SCOTCH SEQUESTRATIONS.

**Macnee & Co.**, Belfield, Kirkintulloch, printers.—**John Rome**, Glasgow, upholstery furnisher.—**Robert Jackson**, deceased, Dubbs, Neilston, Renfrewshire.—**Annie Bentley**, Dalkeith, dealer in railway shares.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Peter Caffyn**, Southampton, coal merchant, Feb. 24 at 10, County Court of Hampshire, at Southampton.—**H. Chamberlain**, Southampton, looking-glass-frame manufacturer, Feb. 24 at 10, County Court of Hampshire, at Southampton.—**R. Harris**, Southampton, tailor, Feb. 24 at 10, County Court of Hampshire, at Southampton.—**Charles G. Allen**, New Romney, Kent, plumber, Feb. 20 at 11, County Court of Kent, at Romney.—**Henry V. Freeman**, Barnsley, Yorkshire, out of business, March 2 at 12, County Court of Yorkshire, at Barnsley.—**Joseph Clakey**, Derby, travelling draper, March 6 at 11, County Court of Yorkshire, at Wakefield.—**George Mayhew**, Framlingham, Suffolk, shoemaker, Feb. 23 at 10, County Court of Suffolk, at Framlingham.—**Charles Constable**, Methwold, Norfolk, cattle dealer, Feb. 27 at 11, County Court of Norfolk, at Thetford.—**Thomas Preston**, Huddersfield, York-

shire, joiner, Feb. 26 at 10, County Court of Yorkshire, at Huddersfield.—*Geo. Shomack*, Liverpool, beer-house keeper, Feb. 20 at 10, County Court of Lancashire, at Liverpool.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 27 at 10, before the CHIEF COMMISSIONER.*

*C. W. Q. Piner*, East-street, Red Lion-square, Middlesex, comedian.—*J. Potter*, Bartholomew-close, London, butcher's cutler.

*Feb. 28 at 10, before the CHIEF COMMISSIONER.*

*Wm. Miller*, Hornchurch, Essex, baker.

*March 29 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Hurrell*, Dudley-place, Porteus-road, Harrow-road, Middlesex, printer.—*David Thorpe*, Down-street, Piccadilly, Middlesex, out of business.—*Henry Williams*, Drayton-mews, Drayton-road, Kensington, Middlesex, smith.—*Wm. Lawrence*, City-road, Middlesex, ivory turner.—*Peter J. Nott*, Chicksand-street, Osborn-place, Osborn-street, Whitechapel, Middlesex, grocer.—*J. Clarke*, Saville-row, Mile-end, Middlesex, clerk to a sugar refiner.—*Edward R. Addis*, Plaistow, Essex, licensed victualler.—*James Catlett*, Stone, near Dartford Brent, Kent, licensed retailer of beer.—*John Stanbrook*, Cannon-street-road, Middlesex, baker.—*Henry Saxon Snell*, Chancery-lane, Middlesex, assistant to an architect.

*March 22 at 11, before Mr. Commissioner PHILLIPS.*

*John F. Cockle*, Kingston, Surrey, confectioner.—*William Adams*, Belvidere, Cambridge-road, Bethnal-green, Middlesex, tailor.—*Abraham Harrie*, Croydon, Surrey, assistant to a tobaccoist.—*Charles P. Andrews*, Clayland's-road, South Lambeth, Surrey, commercial traveller.—*R. Hagon*, Charles-place, East-street, Walworth, Surrey, baker.—*Alfred Judd Jameson*, Bethnal-green-road, Middlesex, eating-house keeper.—*Edward Chabert*, Macclesfield-street, Soho-square, Middlesex, gymnastic artist.—*George Barham*, Whitechapel-road, Whitechapel, Middlesex, manager of the Sun Coffee-house.—*Charles Bradfield*, Uxbridge, Middlesex, tailor.—*J. Hunter*, Brook-st., West-sq., Lambeth, Surrey, commercial traveller.—*R. Harris*, Osborn-place, Whitechapel, Middlesex, farrier.

*Saturday, Feb. 10.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*Wm. Maides*, St. John-street, Clerkenwell, Middlesex, straw salesman, No. 64,878 T.; *George Gosling*, assignee.—*Henry James Tarling*, St. John-street, Clerkenwell, Middlesex, straw salesman, No. 64,879 T.; *George Gosling*, assignee.—*Samuel Lamb*, Shrewsbury, Shropshire, in no business, No. 79,043 C.; *Joseph Woodhouse*, assignee.—*John Mellor*, Wooddale Town End, Kirkburton, Yorkshire, out of business, No. 79,101 C.; *John Armitage*, assignee.—*James Wainhouse*, Norland, near Halifax, Yorkshire, farmer, No. 79,120 C.; *Wm. E. Bott*, assignee.—*Wm. Arnold*, Bacton, near Pinningham, Suffolk, veterinary surgeon, No. 79,245 C.; *John Arnold*, assignee.—*Moses Cocks*, Ipswich, Suffolk, baker, No. 79,348 C.; *Wm. Dawson*, assignee.—*J. Stephens*, Bath, Somersetshire, licensed victualler, No. 79,109 C.; *Robert R. Bailey*, assignee.—*James Hopkinson*, Bury, Lancashire, out of business, No. 79,220 C.; *Robert Crossland*, assignee.—*J. Casey*, Preston, Lancashire, out of business, No. 79,292 C.; *James Duckett*, assignee.

*Saturday, Feb. 10.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Charles Goffe*, Hammersmith, Middlesex, cabinet maker: in the Queen's Prison.—*Robert Cross*, St. Mary's-terrace, Walworth-road, Surrey, bookseller: in the Gaol of Surrey.—*Sheppard Robert Butler*, Harleford-road, Vauxhall, Surrey, upholsterer: in the Queen's Prison.—*Samuel Daniell*, Judd-street, Brunswick-square, Middlesex, plumber: in the Debtors Prison for London and Middlesex.—*John Cumming*, Maidenhead, Berkshire, upholsterer: in the Debtors Prison for London and Middlesex.—*Edward Williams*, Park-street, Dorset-square, Marylebone, Middlesex, plumber: in the Debtors

Prison for London and Middlesex.—*Charles Winter*, High-street, Camden-town, Middlesex, oilman: in the Debtors Prison for London and Middlesex.—*Charles Tester*, Howard-street, Strand, Middlesex, merchant: in the Debtors Prison for London and Middlesex.—*Anne Hill*, Berkeley-street, Portman-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Edwin Light*, St. Peter's-street, Islington, Middlesex, dealer in isinglass: in the Debtors Prison for London and Middlesex.—*Wm. L. Glipis*, Northumberland-court, Charing-cross, Middlesex, out of business: in the Queen's Prison.—*Richard Rumble*, White Rose-court, Coleman-street, London, tailor: in the Debtors Prison for London and Middlesex.—*Johnson Wood*, Horton, Middlesex, druggist: in the Debtors Prison for London and Middlesex.—*C. Terry*, Leatherhead, Surrey, bricklayer: in the Gaol of Surrey.—*Wm. Lockyer*, King-street, Long-acre, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*James Turner*, King-street, Long-acre, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*John H. Lee*, Newman-street, Oxford-street, Middlesex, teacher of music: in the Debtors Prison for London and Middlesex.—*Thomas Sharp*, Epping, Essex, grocer: in the Debtors Prison for London and Middlesex.—*Bernard Lintott*, James's-grove, Commercial-road, Peckham, Surrey, dealer in wines: in the Debtors Prison for London and Middlesex.—*Charles Lewis*, Preston-st., Maldon-road, Kentish-town, St. Pancras, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*James Stevens*, Great Knight Rider-street, Doctors'-commons, London, general merchant: in the Debtors Prison for London and Middlesex.—*Richard Dalby*, South-grove, Mile-end, Middlesex, out of business: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*Ann Smith*, widow, Pelham-terrace, Loughborough-road, Brixton, Surrey: in the Queen's Prison.

*(On their own Petitions).*

*Wm. C. Newman*, Brighton, Sussex, fly proprietor: in the Gaol of Lewes.—*John Till*, Leeds, Yorkshire, tailor's foreman: in the Gaol of York.—*David Crabtree*, Bradford, Yorkshire, grocer: in the Gaol of York.—*Thomas Burbidge*, Leicester, attorney: in the Gaol of Leicester.—*Isaac Bennett*, Chorlton-on-Medlock, Manchester, veterinary surgeon: in the Gaol of Manchester.—*Wm. Henry Holland*, Chorlton-on-Medlock, Manchester, vesting manufacturer: in the Gaol of Manchester.—*John Aarons*, Manchester, grocer: in the Gaol of Manchester.—*Richard Butler*, Nottingham, out of business: in the Gaol of Nottingham.—*George Hampton*, Patcham, Sussex, innkeeper: in the Gaol of Lewes.—*John Howarth*, Lancaster, cabinet maker: in the Gaol of Lancaster.—*Somerville Steven*, Berwick-on-Tweed, wire worker: in the Gaol of Berwick-on-Tweed.—*Nathaniel Barnsdall*, Nottingham, linseed crusher: in the Gaol of Nottingham.—*Richard Ganton*, Chatteris, Ely, Cambridgeshire, shoemaker: in the Gaol of Cambridge.—*John Fardon*, Reading, Berkshire, out of business: in the Gaol of Reading.—*Benjamin Tasker*, Manchester, plumber: in the Gaol of Lancaster.—*John Heap*, Habergum Eaves, Burnley, Lancashire, overlooker to a card room: in the Gaol of Lancaster.—*Henry J. Green*, Charlestown, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. Arnold*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Joseph Buckley*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*John Scarlett*, Hulme, Manchester, bricklayer: in the Gaol of Lancaster.—*John S. Nichols*, Stretford, Manchester, estate agent: in the Gaol of Lancaster.—*John Jackson*, North Moor, Oldham, Lancashire, cotton-waste spinner: in the Gaol of Lancaster.—*Edward Lees*, Hulme, Manchester, general agent: in the Gaol of Lancaster.—*Wm. Heap*, Manchester, butcher: in the Gaol of Lancaster.—*James Crompton*, Oldham, Lancashire, out of business: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 27 at 10, before the CHIEF COMMISSIONER.*

*Charles Stockley*, East-street, Manchester-square, Middlesex, baker.—*Thomas Edgeller*, Elizabeth-street South, Fimlico, Middlesex, carpenter.—*Henry E. Eames*, Richmond-road, Caledonian-road, Islington, Middlesex, baker.

*Feb. 27 at 10, before Mr. Commissioner MURPHY.*

*George Stevens*, High-street, Lower Homerton, Middlesex, out of business.

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## THE JURIST.

LONDON, FEBRUARY 24, 1855.

THE great and unequivocal success which has attended on the numerous and important reforms effected within the last twenty years in our legal system has encouraged not only their authors, but others ambitious of treading in their footsteps, and participating the triumphs they have achieved and the fame they have acquired, to continue their labours, to redouble their efforts, and to attempt still further and more important changes and improvements. That these changes and improvements are required none can deny. Much, indeed, has been effected; but much remains to be done. Not a little that was cumbersome and unnecessary has been swept away; many glaring abuses have been removed, and many defects been remedied; but abuses and defects yet exist, which demand the unsparing hand of the reformer.

Among these may be noticed the law relating to the process for the recovery of debts secured by bills of exchange and promissory notes. These instruments, so important and indispensable to the successful conduct of the transactions of the commercial world, have been much diminished in their utility by the difficulties thrown in the way of their enforcement. According to the existing law, as our readers are well aware, the holder of a dishonoured bill, to which there is and can be no defence, must bring an action, and proceed to judgment, before he can obtain the payment of the amount for which it was given. By these means great delay is occasioned, and considerable expense incurred; and after this delay and expense the creditor frequently finds that the fund to which he has looked for the liquidation of his demand has disappeared, and the

No. 7, VOL. I., NEW SERIES.

only security left to him is the person of a bankrupt debtor.

To remedy this evil two measures have been recently introduced to the attention of the Legislature by Lord Brougham and Mr. Keating.

The principal provisions of the scheme proposed by Lord Brougham are, that bills and promissory notes shall be protested in the ordinary form; that when protested, they shall be registered, by an officer appointed for that purpose, in each of the superior courts; that after such registry an order may be obtained against all the parties for the payment of the same within six days after the service of the order; and that on the expiration of the six days, execution shall issue against the respective parties. Before execution, however, any of the persons served may, upon making an affidavit disclosing a legal defence, have the execution stayed and an issue raised for trial. He must, however, except in certain cases, furnish security for the payment of the principal debt and costs, or pay into court a sum sufficiently large to cover the same.

According to the plan suggested by Mr. Keating, all actions upon bills or promissory notes are to be brought by writ of summons, in the special form given in the act. In the event of the parties not appearing to the writ, the plaintiff shall be at liberty, on an affidavit of the service of such writ, to sign judgment and proceed to execution. The defendant, where he is within the jurisdiction of the Court, may, within eight days after the service of such order, apply to a judge of any of the courts for permission to appear to the writ, and he shall, on disclosing a valid defence, be allowed to appear and defend the action.

Where the parties are not resident within the jurisdiction of the Courts, a different form of writ is given, and the period allowed for entering an appearance is to

be regulated by the distance from England of the locality in which the party happens at the time to be resident. In all cases the actions must be commenced within three months after the instruments shall have become due; otherwise the parties are to be left to their ordinary remedies.

On the relative merits of these plans it is neither our wish, nor our intention, to pronounce a judgment. Each possesses advantages peculiar to itself. That of Lord Brougham has a claim to support from the fact that it is not a mere untried scheme, or a piece of experimental legislation, but that it is an attempt to extend to this country a system long established in a neighbouring kingdom, and which, in the opinion of all best fitted to judge, has produced beneficial results. That of the honourable and learned member for Reading has, on the other hand, the advantage of not introducing any new machinery, and of being framed in a spirit more in accordance with the existing system of English judicature.

For this reason we should be inclined to decide in favour of the latter scheme. We should give it also the preference for another reason, viz. that it does not require the previous condition of giving security for the debt, or payment of the amount into court. Many cases must frequently occur where persons, possessed of a decisive defence to a claim on a bill or note, may not be in a position to provide the necessary sum to be paid into court, or may not be able to obtain, or willing to ask, the assistance of a friend as a security, and may in consequence be exposed to the infliction of grievous injustice. But instead of entering further into the discussion of this matter, we would rather direct our attention to the objections raised to the necessity of a change, and to the results likely to follow from the adoption of the remedies proposed.

It has been said that the present system has been sanctioned by long and uninterrupted usage; that under its operation commerce has been fostered and extended; that with few exceptions it has been found to work efficiently; and that consequently the substitution for it of any novel and more stringent remedy is unnecessary, and would be impolitic.

It has been further urged, that the introduction of a summary mode of procedure would operate with great severity on indorsers, who, without knowing that the bill had been dishonoured, and without having time allowed to ascertain the grounds on which an acceptor has refused payment, might in the space of a few days be compelled to pay the amount, or be exposed to the danger of their property being seized and sacrificed.

A great injustice also, it is said, might be done to the acceptors themselves, who might have a good defence, but might not at the time be able fully to substantiate it.

Further, it is alleged that its tendency would be to check the system of credit which has long prevailed in the commercial world, and on which its prosperity mainly depends, and to interfere with legitimate speculation.

And, lastly, it is asserted that an instrument would be placed in the hands of an exacting creditor which might frequently be employed most injuriously, and

that the consequence would, in many cases, be to effect the ruin of the poor trader.

These objections, adduced by persons possessed of great commercial experience, and enjoying numerous and rare opportunities of forming a correct judgment, are unquestionably entitled to grave attention, and will be carefully considered by the members of the Legislature when the measures submitted to them come to be discussed. We think, however, that a little reflection will shew that they are rather specious than sound; that they are dictated by fears which are not likely to be realised; and that the weight of reasoning, experience, and authority is decidedly on the side of the proposed alterations.

Bills of exchange and promissory notes are contracts, by which the parties to them agree, that at the arrival of a fixed period the sums therein named shall be paid to the holders. When that period arrives a debt has accrued, and each of the parties is bound to provide for its liquidation. Should he omit to do so, he is guilty of a breach of duty, for the consequences of which he is liable. To screen him, on the one hand, from these consequences is what no legislator should attempt; while, on the other, every effort should be made to compel him to meet the liabilities he has undertaken. This is what Lord Brougham's and Mr. Keating's bills propose to effect, and for this reason they are entitled to support.

Nor can any injustice be done thereby to the indorsers; every person who attaches his name to a bill, and for a consideration puts it into circulation, must be aware that he thereby guarantees its payment; and he surely cannot complain if, as soon as the acceptor has omitted to take it up, he is called upon to provide for its immediate settlement.

By the acceptors themselves no injury will be sustained: while a speedy redress is afforded to a creditor against a dishonest debtor, ample opportunities of defence are given to those against whom an unjust claim may be made. The course laid open to them is clear. They have only to apply to a judge, and they would at once be permitted to appear and resist the demand.

Want of space compels us to defer until our next number a few further observations which we have to make on this subject.

## NOTES OF THE WEEK.

The Lord Chancellor has appointed Mr. J. J. Lonsdale, secretary to the Criminal Law Commissioners, to the vacant county court judgeship of Leicestershire.

Mr. J. Mellor, Q. C., succeeds Mr. Hildyard as recorder of Leicester.

Lord Campbell, C. J., (Feb. 15, Queen's Bench), refused to seal a bill of exceptions because they were not tendered to him until after the verdict had been recorded.

Lord St. Leonards' bill for the protection of purchasers against judgment creditors is passing through the House of Lords.

The public prosecutor's bill, and the bill for facilitating remedies on bills of exchange, are again before the House of Commons.

## London Gazette.

FRIDAY, FEBRUARY 16.

## BANKRUPTS.

**MALCOLM INGLIS and EYTON BOND**, Old Broad-street, London, merchants and ship and insurance agents, dealers and chapmen, (trading under the firm of Inglis, Bond, & Co.), March 2 at 11, and April 5 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition dated Feb. 15.

**WILLIAM GROOM**, Sudbury, Suffolk, innkeeper and horse-hair seating manufacturer, dealer and chapman, March 2 at half-past 11, and April 5 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Cooper & Hodgson, 3, Verulam-buildings, Gray's-inn.—Petition filed Feb. 8.

**VICTOR BAUER**, Lillypot-lane, St. Martin's-le-Grand, London, merchant and foreign agent, dealer and chapman, Feb. 27 and March 20 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed Feb. 12.

**GEORGE COOPER ROUSE**, (commonly called **GEORGE COOPER**), Dovercourt, Essex, grocer and baker, Feb. 23 at 1, and April 6 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Laurance, Ipswich; Cree & Son, 3, Verulam-buildings, Gray's-inn.—Petition dated Feb. 5.

**WILLIAM RIDDELL and MEAD TERRY RAYMOND**, Sherbourne-lane, London, merchants, commission agents, dealers and chapmen, (trading under the firm of W. Riddell & Co.), March 2 and April 4 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition dated Feb. 14.

**WILLIAM MORGAN**, Osborn-street, Whitechapel, Middlesex, licensed victualler, Feb. 24 and April 7 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Martineau & Read, 2, Raymond-buildings, Gray's-inn.—Petition dated Feb. 15.

**THOMAS COLLINGWOOD KER**, late of Hans-place, Chelsea, Middlesex, and Auction. Mart, Basement, Bartholomew-lane, London, and now a prisoner in the Debtors Prison for London and Middlesex, dealer in railway and mining shares, commission agent, dealer and chapman, Feb. 23 at 12, and March 30 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Weekes, 4, Hungerford-street, Strand.—Petition filed Feb. 6.

**THOMAS WILLIAM HORDER**, Minorities, London, and Barrington-road, Loughborough-road, Brixton, Surrey, chemist and druggist, dealer and chapman, March 6 at 11, and April 3 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Scott, 36, Ludgate-street, City.—Petition filed Feb. 12.

**JAMES EMMINS**, Portland-road, Notting-hill, Middlesex, builder, dealer and chapman, Feb. 27 at 11, and March 28 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Rumbury, Surrey-st., Strand.—Petition filed Feb. 12.

**THOMAS TYLER**, Wood-street, Cheapside, London, warehouseman, dealer and chapman, (trading under the firm or style of Thomas Tyler & Co.), March 7 at 2, and April 3 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. J. & J. H. Linklater, 17, Sise-lane, City.—Petition filed Feb. 13.

**RICHARD BROWN**, Daw End, Rusball, Staffordshire, line burner, March 3 and 17 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Barnett & Marlow, Walsall; James, Birmingham.—Petition dated Feb. 7.

**WILLIAM JOHNSTONE**, Springhill, Birmingham, miller and corn dealer, March 3 and 17 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham.—Petition dated Feb. 6.

**WILLIAM RENSHAW**, Liverpool, brewer and licensed victualler, dealer and chapman, March 1 and 22 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Dodd, Liverpool.—Petition filed Feb. 13.

**PETER WARD**, Harrington, Cumberland, alkali manufacturer, Feb. 28 at 1, and March 29 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. T. & W. Chater, Newcastle-upon-Tyne; Bell & Co., 9, Bow-churchyard, London.—Petition filed Feb. 12.

## MEETINGS.

**Richard Weistell**, Noble-street, London, warehouseman, Feb. 27 at 2, Court of Bankruptcy, London, last ex.—**Henry Newby**, North-place, Kingsland-road, Middlesex, builder, March 8 at 11, Court of Bankruptcy, London, and ac.—**Charles Maryon Crooks**, Church-row, Houndsditch, London, licensed victualler, March 5 at 11, Court of Bankruptcy, London, and ac.—**Samuel B. Alpe**, Duke-street, Manchester-square, Middlesex, milliner, March 1 at 11, Court of Bankruptcy, London, and ac.—**John Close**, Stratford, Essex, baker, March 1 at 11, Court of Bankruptcy, London, and ac.—**D. M. Davidson** and **C. W. Gordon**, Mincing-lane, and Cousins-lane, Upper Thames-street, London, colonial brokers, and West Ham-lane, Essex, distillers, March 1 at 11, Court of Bankruptcy, London, and ac.—**Frederick Carson**, St. Helen's-place, Bishopsgate-street, London, and Upton-place, West Ham, Essex, merchant, March 1 at 11, Court of Bankruptcy, London, and ac.—**H. Wm. Hobhouse**, J. Phillott, and **C. Lowder**, Bath, Somersetshire, bankers, March 1 at 11, District Court of Bankruptcy, Bristol, and ac.—**E. M. Carey**, Liverpool, merchant, March 2 at 11, District Court of Bankruptcy, Liverpool, and ac.; March 9 at 11, div.—**Joseph Harriman**, Loughborough, Leicestershire, hostler, March 20 at 10, District Court of Bankruptcy, Nottingham, and ac.—**Wm. J. Normworthy**, Sidmouth, Devonshire, baker, March 1 at 1, District Court of Bankruptcy, Exeter, and ac.—**Thos. Hutchings**, Axminster, Devonshire, nurseryman, March 1 at 1, District Court of Bankruptcy, Exeter, and ac.—**John Beringer**, Penzance, Cornwall, silversmith, March 1 at 1, District Court of Bankruptcy, Exeter, and ac.—**P. Paige**, Montyidere House, Torquay, Devonshire, lodging-house keeper, March 1 at 1, District Court of Bankruptcy, Exeter, and ac.—**Wm. M. Peniston**, Yetminster, Dorsetshire, railway contractor, March 1 at 1, District Court of Bankruptcy, Exeter, and ac.—**Samuel Ryder**, Plymouth, Devonshire, flour factor, March 5 at 1, District Court of Bankruptcy, Plymouth, and ac.—**Richard Callard**, Devonport, coach proprietor, March 5 at 1, District Court of Bankruptcy, Plymouth, and ac.—**John Mills**, Leeds, Yorkshire, printer, March 1 at 11, District Court of Bankruptcy, Leeds, and ac.—**Edw. Snow**, High-street, St. Giles's, Middlesex, tea dealer, March 13 at 12, Court of Bankruptcy, London, div.—**James Hobson** and **Charles Hobson**, Waltham Abbey, Essex, and Enfield, Middlesex, stonemasons, March 13 at half-past 12, Court of Bankruptcy, London, div.—**J. Huesey**, Poole, linendraper, March 9 at 12, Court of Bankruptcy, London, div.—**Donald Macleod**, Ealing, Middlesex, dealer and chapman, March 9 at half-past 12, Court of Bankruptcy, London, div.—**Thomas Wilson**, Barnard's-inn, Holborn, Middlesex, money scrivener, March 9 at half-past 12, Court of Bankruptcy, London, fin. div.—**Henry Heyliar** and **Jacob Connop**, Coleman-street, London, and Old Ford, Middlesex, dyers, March 9 at 2, Court of Bankruptcy, London, fin. div. est. of **Henry Heyliar**.—**Jules Breton**, King Edward-road, Hackney, Middlesex, and King William-street, London, insurance broker, March 9 at half-past 1, Court of Bankruptcy, London, div.—**J. T. Merrick**, Hereford-row, Westbourne-grove, Middlesex, builder, March 9 at 11, Court of Bankruptcy, London, div.—**Rowland Mitchell**, Lime-street, London, merchant, March 10 at 12, Court of Bankruptcy, London, div.—**Edward Butt**, Newcastle-place, Edgeware-road, Middlesex, ice-man, March 9 at 12, Court of Bankruptcy, London, div.—**Antonio Mathé** and **S. Moore**, Liverpool, merchants, March 9 at 11, District Court of Bankruptcy, Liverpool, div.—**Cornelius Terry**, Birmingham, cut-nail manufacturer, March 8 at half-past 10, District Court of Bankruptcy, Birmingham, div.—**Henry Samuel Parker**, Birmingham, licensed victualler, March 8 at half-past 10, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

**George Hardin**, High-street, Stoke Newington, Middlesex, linendraper, March 9 at 1, Court of Bankruptcy, London.—**Samuel Osler**, Grange-road, Bermondsey, Surrey, letter factor, March 10 at 2, Court of Bankruptcy, London.—**Joseph Lough**, Great Queen-street, Lincoln's-inn-fields, Middlesex, blacking manufacturer, March 9 at half-past 12, Court of Bankruptcy, London.—**Robt. Thomson**, St. John-street-road, Clerkenwell, Middlesex, linendraper, March 9 at 1, Court of Bankruptcy, London.—**A. H. Cox**, High-street, Kensington,

Middlesex, corn merchant, March 9 at 11, Court of Bankruptcy, London.—*Wm. Fleaman* the younger, High-street, Kensington, Middlesex, corn merchant, March 9 at 11, Court of Bankruptcy, London.—*Robert Jackson*, Lombard-street, London, shipowner, March 13 at 11, Court of Bankruptcy, London.—*Thomas Cardwell*, Park-terrace, Hammersmith, Middlesex, plumber, March 15 at half-past 12, Court of Bankruptcy, London.—*Benjamin Batley*, Kingsland-road, Middlesex, corn dealer, March 13 at half-past 11, Court of Bankruptcy, London.—*James Lamerton* and *James Galeworthy*, Queen's-road, Peckham, Surrey, builders, March 13 at 11, Court of Bankruptcy, London.—*J. Thompson* the younger, Terrace, Knightsbridge, Middlesex, draper, March 15 at 2, Court of Bankruptcy, London.—*Edward Snow*, High-street, St. Giles's, Middlesex, tea dealer, March 13 at 12, Court of Bankruptcy, London.—*William Weston*, Chiswell-street, Middlesex, boot agent, March 13 at half-past 12, Court of Bankruptcy, London.—*John B. Mercer*, Bath, carpenter, March 13 at 11, District Court of Bankruptcy, Bristol.—*Sydney Sprod*, Bristol, cabinet maker, March 16 at 11, District Court of Bankruptcy, Bristol.—*Wm. Henry Sanders*, Pontypool, Monmouthshire, grocer, March 19 at 11, District Court of Bankruptcy, Bristol.—*Roger Dustbury*, Over Darwen, Lancashire, innkeeper, March 13 at 12, District Court of Bankruptcy, Manchester.—*J. Cartmell*, Liverpool, shoemaker, March 12 at 11, District Court of Bankruptcy, Liverpool.—*J. Harriman*, Loughborough, Leicestershire, hosier, March 20 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Adolphe Devin* the younger, Red Lion-square, Holborn, Middlesex, wholesale jeweller.—*George Batcock*, Brighton, Sussex, apothecary.—*Joseph Feeny*, Birkenhead, Cheshire, eating-house keeper.—*Ezher Blenky*, Liverpool, lodging-house keeper.—*David Ainsworth*, Manchester, warehouseman.—*Wm. Littlejohn Dowie*, Manchester, tailor.—*George Hoyle* and *John Tattersall*, Whitewell Bottom, near Newchurch, Lancashire, cotton manufacturers.—*John Midgley*, Nottingham, soda-water manufacturer.

#### PETITION ANNULLED.

*Joseph Harrop* and *James Harrop*, Westbury, Wiltshire, woollen manufacturers.

#### SCOTCH SEQUESTRATIONS.

*Peter Gibson*, Glasgow, spirit merchant.—*Alex. Duncan*, Glen Newton, Falkland, distiller.—*John Lang Dunn*, Glasgow, merchant.—*Robt. Eaglesim*, Paisley, clothier.—*Stewart & Motherwell*, Paisley, provision merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Henry Hilton*, Lindfield, Sussex, out of business, Feb. 22 at 12, County Court of Sussex, at Cuckfield.—*Edwin Ascombe*, Hurstperpoint, Sussex, carpenter, Feb. 22 at 12, County Court of Sussex, at Cuckfield.—*Henry Edmonds*, Truro, Cornwall, shoemaker, March 9 at 11, County Court of Cornwall, at Truro.—*James Nicholls*, Probus, Cornwall, saddler, March 9 at 11, County Court of Cornwall, at Truro.—*Michael Plaskitt*, Lincoln, out of employment, March 6 at 12, County Court of Lincolnshire, at Lincoln.—*George Shipsey*, North Shields, Northumberland, draper's assistant, March 15 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*John Dodds*, Elswick, Newcastle-upon-Tyne, builder, March 15 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*J. Robinson*, Gateshead, Durham, mason, March 15 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Robert Tuck*, Stowlangtoft, Suffolk, under gardener, Feb. 26 at 10, County Court of Suffolk, at Bury St. Edmunds.—*William Tempest*, Chester, livery-stable keeper, Feb. 21 at 10, County Court of Cheshire, at Chester Castle.—*James Williams*, Gilwern, Llanelly, Brecknockshire, hay dealer, March 1 at 11, County Court of Brecknockshire, at Crickhowell.—*Wm. Pearce*, Pillgwenlly, Newport, Monmouthshire, carpenter, March 7 at 12, County Court of Monmouthshire, at Newport.—*James Tuck*, Norton, Suffolk, limeburner, Feb. 26 at 10, County Court of Suffolk, at Bury St. Edmunds.—*James Berry*, St. Helens, Lancashire, furniture broker, Feb. 28 at 12, County Court of Lancashire, at St. Helens.—*Joseph Mather*, Runcorn, Cheshire,

sawyer, March 13 at 10, County Court of Cheshire, at Runcorn.—*W. Thompson*, Liverpool, flour dealer, Feb. 20 at 10, County Court of Lancashire, at Liverpool.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 2 at 10, before the CHIEF COMMISSIONER.*

*John Charles Wade*, Britten-street, Robert-street, Chelsea, Middlesex, whitesmith.—*Thos. Fieldar Skillam*, Great Dover-street, Newington, Surrey, manufacturer of collars.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 2 at 10, before the CHIEF COMMISSIONER.*

*Wm. Bunting Boatman*, Great Dover-street, Newington, Surrey, tailor.

*March 2 at 10, before Mr. Commissioner MURPHY.*

*Wm. Smith*, Crisp-street, Poplar, Middlesex, surgeon.—*Peter Gaze*, Great Windmill-street, Westminster, Middlesex, tobacconist.—*James Barr*, Goldington-crescent, Old-road, St. Pancras, Middlesex, builder.—*Chas. Braun*, Bath-street, Newgate-st., London, and Albion-terrace, New North-road, Islington, Middlesex, manufacturer of porte-monnaies.

*March 3 at 11, before Mr. Commissioner PHILLIPS.*

*Jas. Billings*, Luton-place, Greenwich, Kent, out of business.—*Henry Durant*, Arlington-square, New North-road, Islington, Middlesex, out of business.—*George W. Pipe*, Pitt-street, Old Kent-road, Surrey, out of business.—*John Cummings*, Maidenhead, Berkshire, upholsterer.—*Chas. Wm. T. Crause*, Croydon, Surrey, not in any business.

*March 5 at 11, before Mr. Commissioner PHILLIPS.*

*Joshua Batty*, Holywell-st., Shoreditch, and Turner's-end, Silver-st., Edmonton, Middlesex, carrier.—*Amos Gooday*, Salisbury-street, Agar-town, Old St. Pancras, Middlesex, baker.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Thomas Wilkinson*, Hulme, Manchester, out of business, No. 79,290; *Thos. Nicholson*, assignee.—*Francis Dickinson*, Adlington, near Chorley, grocer, No. 79,380; *John Craven*, assignee.—*J. Livesey*, Salford, licensed victualler, No. 79,239; *Edward Cornelius Moore*, assignee.—*Samuel Woodall*, Altrincham, near Manchester, out of business, No. 79,361; *T. Hampson*, assignee.—*Lawrence Ingham*, Blackley, near Manchester, grocer, No. 79,455; *Wm. Blackwall*, assignee.—*A. Dobson*, Fairfield, near Manchester, out of business, No. 79,432; *Jonathan Talbot Simmett*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Gloucestershire, at BRISTOL, March 1 at half-past 10.*

*Edward Sidney*, Bristol, in no business.

*At the County Court of Lancashire, at LANCASTER, March 2 at 11.*

*W. Heap*, Manchester, butcher.—*John Heap*, Habergham Eaves, near Burnley, overlooker in a card room.—*B. Tasker*, Manchester, plumber.—*Henry John Green*, Charlestown, Pendleton, near Manchester, provision dealer.—*John Scarlett*, Hulme, Manchester, bricklayer.—*Henry Charles*, Manchester, bill broker.—*John Howarth*, Lancaster, cabinet maker.—*John Leed Tarnworth*, Lancaster, butcher.—*John Winterburn*, Bolton-le-Moors, out of business.—*W. Arnold*, Manchester, out of business.—*Wm. Priestnall*, Manchester, out of business.—*Wm. Hinehiffe*, Ashton-under-Lyne, out of business.—*John Swaine Nicholls*, Hulme, Manchester, attorney's clerk.—*Jas. Crompton*, Oldham, out of business.—*Jas. Walker*, Manchester, out of business.—*John Crawford Mossell*, Cork, Ireland, passenger agent.—*James Brindley*, Salford, out of business.—*Edward Lees*, Manchester, coal merchant.—*Henry Bates*, Oldham, tailor.—*Henry Hull*, Bol-

ton-le-Moors, agent for the sale of coals.—*Josiah Thomas Slugg*, Hulme, druggist's assistant.—*John Jackson*, Oldham, cotton-waste spinner.—*John Jones*, Bolton-le-Moors, out of business.—*Wm. Barker*, Heaton Norris, Stockport, Cheshire, out of business.—*Thomas Hudson*, Liverpool, pilot.—*Joseph Buckley*, Salford, out of business.—*Wm. Lawrinson*, Manchester, cotton-waste dealer.—*Frederick Billington*, Salford, out of business.—*Wm. Ogden* the younger, Royton, near Oldham, cotton spinner.

*At the County Court of Lincolnshire, at LINCOLN, March 6 at 12.*

*Thomas Dawson*, Great Grimsby, general dealer.—*William Stanewell*, Gainsborough, butcher.—*Bar Disdel*, Gedney-common, Gedney-hill, labourer.

*At the County Court of Dorsetshire, at DORCHESTER, March 6 at 11.*

*John Lovelace*, Dorchester, carpenter.—*Joseph Munden* the younger, Staple Mills, Netherbury, manager to a flax spinner.

*At the County Court of Hampshire, at WINCHESTER, March 20.*

*Daniel Wyatt*, Portsea, caulker in her Majesty's Dockyard, Portsmouth.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Anna Robertson*, Norfolk-crescent, Hyde-park, Middlesex, lodging-house keeper: 8½d. in the pound.—*Thomas Jifkins*, Pontypool, Monmouthshire, grocer: 8d. in the pound.—*W. Edmunds*, Wilson-st., Old-st., St. Luke's, Middlesex, house painter: 3s. 10d. in the pound.—*John Gorman*, Berners-st., Middlesex, surgeon: 8s. 6d. in the pound.—*David Hyatt*, Titchbourne-street, Edgeware-road, Middlesex, ironmonger: 1s. 9½d. in the pound.—*Mary Ann Ainscow*, Hindley, near Wigan, Lancashire, out of business: 1s. 9½d. in the pound.—*George Brown*, Slough, Buckinghamshire, grocer: 10½d. in the pound.—*George Bilton* the younger, Bromley, Middlesex, chemist: 1s. 10½d. in the pound.—*Samuel James Haynes*, Church-st., Hackney, Middlesex, hairdresser: 2s. 8½d. in the pound.—*James Howard*, Newport Pagnell, Buckinghamshire, licensed victualler: 1s. 11½d. in the pound.—*Charles Hellyer*, Portsea, Southampton, purser on half-pay in her Majesty's Royal Navy: 1s. 10½d. (making 4s. 10½d.) in the pound.—*T. Cooke*, Hill House, Ferry-hill, Durham, farmer: 15s. 3d. in the pound.—*J. Mayfield*, Barnes, Surrey, grocer: 1s. 4½d. (making 2s. 4½d.) in the pound.—*W. Somerville*, Lee, Kent, lieutenant in her Majesty's Royal Navy on half-pay: 3s. 6½d. (making 8s. 6½d.) in the pound.—*James Sheard*, Elland, near Halifax, Yorkshire, tea dealer: 2½d. in the pound.—*Hugh Stephenson Smith*, Manchester, trunk maker: 1s. in the pound.—*Alexander Henry Johnson*, Poppin's-court, Fleet-street, London, carpenter: 1s. 8½d. in the pound.—*Joseph Bonehill*, Hulme, Manchester, ironmonger: 3s. 8½d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn, London, between the hours of 11 and 3.*

TUESDAY, FEBRUARY 20.

#### BANKRUPTS.

**STEPHEN GRANTHAM**, Connaught-terrace, and late of Islington, Middlesex, dealer in hay, commission agent, dealer and chapman, March 1 at 11, and April 3 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Baker & Co., 34, Lime-street, City.—Petition filed Feb. 19.

**JAMES BISHOP**, Caroline-place, City-road, Middlesex, builder, dealer and chapman, March 1 at half-past 1, and April 3 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Wright, 16, Chancery-lane, London.—Petition filed Feb. 19.

**WILLIAM JOHNSON**, Deeping, Lincolnshire, grocer and draper, March 2 at 12, and April 3 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Parker, St. Paul's-churchyard, London.—Petition filed Feb. 7.

**MATTHEW JOHN GOFF**, late of Well's-row, Upper-street, Islington, and now of Queen's-crescent, Prince of Wales-road, Kentish-town, Middlesex, toyman, bookseller and stationer, dealer and chapman, March 2 and 27 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Kightly, 3, Staple-inn, Holborn, London.—Petition filed Feb. 20.

**JOHN BAILEY SERGEANT**, Portsmouth, Hampshire, wine merchant and dealer in cigars, March 2 at 11, and April 5 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Low, 65, Chancery-lane, London.—Petition dated Feb. 17.

**RICHARD ASHBY**, late of Cheltenham-place, and now of Melina-place, Lambeth, Surrey, baker, March 2 and 30 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Moss, 55, Gracechurch-street, London.—Petition filed Feb. 16.

**WILLIAM HARRISON**, Clyde-terrace, Caledonian-road, Islington, Middlesex, baker, dealer and chapman, March 5 and 30 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. G. & E. Hilleary, Fenchurch-buildings, Fenchurch-street, London.—Petition filed Feb. 15.

**ROBERT JACOB HILLS**, Ryde, Isle of Wight, Hampshire, tailor and draper, March 3 at 11, and April 13 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Lawrence & Co., 12, Bread-street, Cheapside, London.—Petition filed Feb. 7.

**ANTONI FORRER**, Regent-street, Middlesex, jeweller and artist in hair, dealer and chapman, March 2 at 12, and April 13 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Jerwood, 17, Ely-place, Holborn.—Petition filed Feb. 16.

**CHARLES HENRY HARBEN**, Goulston-street, High-street, Whitechapel, and also of Carlton-hill Villas, Camden-road, Holloway, Middlesex, wholesale cheesemonger, dealer and chapman, March 1 at 2, and April 13 at half-past 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. & T. Gole, 49, Lime-street, City.—Petition dated Feb. 16.

**WILLIAM RANDALL BARRETT**, Folkestone, Kent, ironmonger, March 7 and April 3 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Morris & Co., Moorgate-street-chambers, London.—Petition filed Feb. 16.

**JOSEPH CLEVER** and **CALEB STANGER**, Kent Wharf, Queen's-road-bridge, Haggerstone, Middlesex, builders, Feb. 27 at 11, and April 3 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Morris & Co., Moorgate-street-chambers, London.—Petition filed Feb. 14.

**DAVID LLOYD WILLIAMS**, late of Lawrence Pountney-lane, and now of Cannon-street-chambers, and Cannon-street, London, civil engineer, contractor, commission agent, dealer and chapman, March 2 and April 4 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Weekes, Hungerford-street, Strand, Middlesex.—Petition filed Feb. 7.

**THOMAS SALMON**, Kettering, Northamptonshire, ironmonger, dealer and chapman, March 7 at half-past 1, and April 4 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Turner & Co., 68, Aldermanbury, London.—Petition dated Feb. 5.

**FRANCIS BEHRENS**, Birmingham, general merchant and importer of foreign spelter, March 5 and April 2 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Powell & Son, Birmingham.—Petition dated Feb. 13.

**JAMES CARTWRIGHT**, Birmingham, factor, dealer and chapman, March 3 and 24 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Francis, Birmingham.—Petition dated Feb. 15.

**GEORGE PORTEOUS ROBY**, Leamington Priors, Warwickshire, fishmonger, dealer and chapman, March 5 and April 2 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Nicks, Warwick; Hodgson, Birmingham.—Petition dated Feb. 19.

**JOHN ROPER** and **WILLIAM MITCHELL**, Keighley, Yorkshire, worsted spinners, dealers and chapmen, (trading under the style or firm of John Roper & Co.), March 9 and 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Weatherhead & Burr, Bingley and Keighley; Bond & Barwick, Leeds.—Petition dated Feb. 14.

**SARAH RATCLIFFE**, **BENJAMIN RATCLIFFE**, and **JAMES RATCLIFFE**, Boxtrees Mills, Ovenden, Halifax, Yorkshire, manufacturers, (carrying on business under the style or firm of James Ratcliffe & Sons), March 9 and 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wavell & Co., Halifax.—Petition dated Feb. 16.



**JOSEPH EDWARDS** and **EDWARD EDWARDS**, Truro, Cornwall, jewellers, perfumers, dealers and chapmen, March 2 and 22 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Stokes, Truro; Stogdon, Exeter.—Petition filed Feb. 10.

**JOHN DANCATER**, St. Mary Church, Devonshire, plumber, dealer and chapman, Feb. 26 and March 29 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Carter, Torquay; Stogdon, Exeter.—Petition filed Feb. 13.

**JOHN WILLIAMS** the younger, Talsarn, Llanillyfai, Carnarvonshire, draper and grocer, dealer and chapman, March 2 and 23 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Anderson & Collins, Liverpool.—Petition filed Feb. 17.

**THOMAS BELL**, Jarrow, Durham, alkali manufacturer, dealer and chapman, March 8 and April 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Griffith & Crighton, Newcastle-upon-Tyne.—Petition filed Feb. 15.

#### MEETINGS.

*James E. Prockter*, New-quay, St. Columb Minor, Cornwall, shipowner, March 7 at 1, District Court of Bankruptcy, Exeter, ch. ass.—*Wm. L. F. Tollemache*, Grosvenor-square, Middlesex, horse dealer, March 7 at 12, Court of Bankruptcy, London, aud. ac.—*Stephen Harris*, Kingston-upon-Thames, Surrey, ironmonger, March 7 at 12, Court of Bankruptcy, London, aud. ac.; March 13 at 2, div.—*Henry Sheppard*, Salisbury, Wiltshire, grocer, March 7 at 1, Court of Bankruptcy, London, aud. ac.; March 13 at 2, div.—*Samuel Tyler*, Denham, Buckinghamshire, innkeeper, March 9 at 12, Court of Bankruptcy, London, aud. ac.—*Frederick Coker*, Hackney-road, Middlesex, stationer, March 2 at 2, Court of Bankruptcy, London, aud. ac.—*Robert Morison*, Drury-lane, Middlesex, baker, March 2 at 11, Court of Bankruptcy, London, aud. ac.—*Robt. George Rose*, Cowley-terrace, North Brixton, Surrey, draper, March 3 at 11, Court of Bankruptcy, London, aud. ac.—*John Thomas Bays*, London-road, Southwark, Surrey, baker, and Wisbeach, Cambridgeshire, miller, March 2 at 11, Court of Bankruptcy, London, aud. ac.—*James Scott*, Trinity-square, Tower-hill, Middlesex, ship chandler, March 3 at 11, Court of Bankruptcy, London, aud. ac.; March 15 at 11, div.—*H. Boleno Mason*, Windmill-street, Haymarket, Middlesex, licensed victualler, March 2 at 11, Court of Bankruptcy, London, aud. ac.—*J. Arthur Miles*, Pancras-lane, London, brassfounder, March 2 at 11, Court of Bankruptcy, London, aud. ac.—*John Frisby Bentley*, Salby, near Welford, Northamptonshire, coal merchant, March 3 at 11, Court of Bankruptcy, London, aud. ac.—*Josiah Overbury*, Wootton-under-Edge, Gloucestershire, cloth manufacturer, March 3 at 11, Court of Bankruptcy, London, aud. ac.—*Donald Macleod*, Ealing, Middlesex, dealer and chapman, March 2 at half-past 11, Court of Bankruptcy, London, aud. ac.—*William White*, Peterborough-villas, St. John's-wood, Middlesex, builder, March 2 at 11, Court of Bankruptcy, London, aud. ac.—*James Hussey*, Poole, linen-draper, March 2 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Thomas Wilson*, Barnard's-inn, Holborn, Middlesex, money scrivener, March 3 at half-past 11, Court of Bankruptcy, London, aud. ac.—*John Wallace*, Gordon's Hotel, Covent-garden, Middlesex, tauror, March 2 at 1, Court of Bankruptcy, London, aud. ac.—*Jules Breton*, King Edward-road, Hackney, Middlesex, insurance broker, March 3 at half-past 11, Court of Bankruptcy, London, aud. ac.—*W. Paxon*, Queen's-road, Baywater, Middlesex, corn dealer, March 3 at 11, Court of Bankruptcy, London, aud. ac.—*Joseph Hart*, High-street, Wapping, Middlesex, corn dealer, March 3 at 11, Court of Bankruptcy, London, aud. ac.—*R. Board*, Churchingford, Devonshire, blacksmith, March 8 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*Henry Davy*, Fordton, Crediton, Devonshire, linen manufacturer, March 8 at 1, District Court of Bankruptcy, Exeter, aud. ac.; March 22 at 1, div.—*Michael Austin Studden*, Launceston, Cornwall, gas manufacturer, March 8 at 1, District Court of Bankruptcy, Exeter, aud. ac.; March 22 at 1, div.—*R. Wilson Wylie*, Exeter, flax scutcher, March 8 at 1, District Court of Bankruptcy, Exeter, aud. ac.; March 22 at 1, div.—*J. W. Lewty*, Wilden, Worcestershire, *Wm. H. Partridge*, Birmingham, and *E. Lewty*, Stourport, Worcestershire, tin-plate workers, March 16 at 12, District Court of Bankruptcy, Birmingham,

aud. ac., and March 17 at 12, div., sep. est. of *Wm. Henry Partridge*.—*Edward Tregenas*, Stockton-on-Tees, Durham, shoe dealer, March 14 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; March 16 at 11, div.—*Robt. Alexander* and *Stephen Isaacson*, Strand, Middlesex, printers, March 13 at half-past 1, Court of Bankruptcy, London, div. sep. est. of *S. Isaacson*.—*W. Wrenn*, Penge, Surrey, grazier, March 15 at 11, Court of Bankruptcy, London, div.—*C. E. Reinhard*, Rochester, Kent, coal merchant, March 15 at half-past 1, Court of Bankruptcy, London, div.—*Wm. J. Buck*, Shrubland-cottages, Queen's-road, Dalston, Middlesex, dealer and chapman, March 15 at half-past 1, Court of Bankruptcy, London, div.—*Henry Thwaites Bayley*, Canterbury, Kent, linendraper, March 15 at 11, Court of Bankruptcy, London, div.—*Robert Gray*, Bishop's Waltham, Southampton, corn merchant, March 15 at 11, Court of Bankruptcy, London, div.—*J. Bevis*, Wisbeach, Cambridgeshire, draper, March 14 at 11, Court of Bankruptcy, London, div.—*Lionel Goldsmith*, Queen-street, Cheapside, London, merchant, March 14 at 12, Court of Bankruptcy, London, fin. div.—*Richard White*, Thorney Clooe, and Sunderland, Durham, merchant, March 20 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*W. Henry Barlow*, Leeds, Yorkshire, hatter, March 16 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*R. Gray*, Bishop's Waltham, Southampton, corn merchant, March 15 at 11, Court of Bankruptcy, London.—*Edward Jenner Stannard*, Trinity-square, Tower-hill, London, wine merchant, March 14 at 11, Court of Bankruptcy, London.—*Francis Kinch*, Margate, Kent, chemist, March 13 at 12, Court of Bankruptcy, London.—*Wm. Peacock*, Budge-row, London, wholesale clothier, March 13 at 2, Court of Bankruptcy, London.—*Wm. Bowler*, Windsor-terrace, Cooper's-road, Old Kent-road, Surrey, hat manufacturer, March 13 at 1, Court of Bankruptcy, London.—*W. Austin*, Colchester, Essex, wholesale grocer, March 14 at half-past 12, Court of Bankruptcy, London.—*Thos. Webb*, Cullum-street, London, St. Heliers, Jersey, and Leyton, Essex, distiller, March 13 at half-past 1, Court of Bankruptcy, London.—*R. Pledge*, Croydon, Surrey, grocer, March 14 at half-past 1, Court of Bankruptcy, London.—*Andrew Wilson*, Manchester, joiner, March 14 at 12, District Court of Bankruptcy, Manchester.—*Jonathan Wailes*, Dewsbury, Yorkshire, scribbling miller, March 20 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an appeal be duly entered.*

*Wm. Henry Bougfield*, Roughway, near Tunbridge, Kent, paper manufacturer.—*John Abraham Rippon*, Louth-cottages, Wellington-road, Camberwell, Surrey, cigar manufacturer.—*W. Owen Tucker*, Threadneedle-street, London, sharebroker.—*Robert Thomas*, Wardour-street, Oxford-street, Middlesex, tool maker.—*Edward Castendieck*, Mincing-lane, London, ship agent.—*W. Cross*, Melville-place, Hackney, Middlesex, printer.—*J. Biele*, Southampton, carpenter.—*T. Hutchings* and *W. Hutchings*, Taunton, Somersetshire, curriers.—*John Vicry Jose*, Reeds, Poughill, Cornwall, coal merchant.—*Thos. Palmer*, Birmingham, licensed victualler.—*Joseph Partridge*, Wednesbury Oak, Tipton, Staffordshire, corn factor.—*Wm. Crowther*, Halifax, Yorkshire, innkeeper.

#### PETITION ANNULLED.

*Edward Wright*, Welwick, Holderness, Yorkshire, draper.

#### SCOTCH SEQUESTRATIONS.

*Alexander Wilson*, Govan, near Glasgow, dyer.—*Andrew Christie & Co.*, Glasgow, watch material dealers.—*G. & W. Porter*, Glasgow, brick builders.—*Thomas Hood*, Airdrie, upholsterer.—*John Brinkley*, senior, deceased, Garroch, near Glasgow, flint miller.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*W. Steed*, Hanley Castle, Worcestershire, collector of tolls, March 12 at 10, County Court of Worcestershire, at Upton-

upon-Severn.—*J. Horton*, St. Helen, Worcestershire, baker, March 14 at 10, County Court of Worcestershire, at Worcester.—*Wm. Hughes*, Worcester, plumber, March 14 at 10, County Court of Worcestershire, at Worcester.—*Geo. Longyear*, Portsmouth, Hampshire, painter, March 14 at 11, County Court of Hampshire, at Portsmouth.—*Wm. Cornish*, Bristol, cabinet maker, March 29 at half-past 10, County Court of Gloucestershire, at Bristol.—*F. G. Williams*, Bristol, out of business, March 22 at half-past 10, County Court of Gloucestershire, at Bristol.—*J. Roach*, Bristol, grocer, March 29 at half-past 10, County Court of Gloucestershire, at Bristol.—*Matthew Johnson*, Manchester, cabinet maker, March 5 at 12, County Court of Lancashire, at Manchester.—*Francis Burton Dalton*, Manchester, bookkeeper, March 5 at 12, County Court of Lancashire, at Manchester.—*Samuel Mee*, Chorlton-upon-Medlock, Manchester, out of business, March 5 at 12, County Court of Lancashire, at Manchester.—*William Nash*, Longhope, Gloucestershire, retailer of beer, March 8 at 10, County Court of Gloucestershire, at Gloucester.—*Henry Hadley*, Frampton-upon-Severn, Gloucestershire, carpenter, March 8 at 10, County Court of Gloucestershire, at Gloucester.—*R. Throck*, New Windsor, Berkshire, out of business, March 14 at 10, County Court of Berkshire, at Windsor.—*W. Pellatt*, Maidstone, Kent, shoemaker, March 6 at 12, County Court of Kent, at Maidstone.—*Henry Squires*, Biggleswade, Bedfordshire, butcher, March 20 at 11, County Court of Bedfordshire, at Biggleswade.—*Samuel Hellier*, Exeter, ironmonger's assistant, March 13 at 10, County Court of Devonshire, at Exeter.—*Daniel Huxton*, Swaffham, Norfolk, brass-founder, March 8 at 10, County Court of Norfolk, at Swaffham.—*Jos. Hockey*, West Chincock, Somersetshire, butcher, March 9 at 11, County Court of Somersetshire, at Crewkerne.—*Joseph Rumsey*, Southminster, Essex, blacksmith, March 13 at 12, County Court of Essex, at Maldon.—*Thos. Keen*, Oxford, college servant, March 9 at 11, County Court of Oxfordshire, at Oxford.—*Daniel Sutton*, Bridgewater, Somersetshire, hay dealer, March 1 at half-past 9, County Court of Somersetshire, at Bridgewater.—*Thomas Robinson*, Sheffield, Yorkshire, beer-house keeper, March 7 at 12, County Court of Yorkshire, at Sheffield.—*John R. Norton*, Sheffield, Yorkshire, clog maker, March 7 at 12, County Court of Yorkshire, at Sheffield.—*John Chapman*, Sheffield, Yorkshire, fishmonger, March 7 at 12, County Court of Yorkshire, at Sheffield.—*Thomas Gilloft*, Sheffield, Yorkshire, bone scale cutter, March 7 at 12, County Court of Yorkshire, at Sheffield.—*Jos. Boper*, Pentney, Norfolk, wheelwright, March 7 at 3, County Court of Norfolk, at King's Lynn.—*William Porter*, King's Lynn, Norfolk, horsekeeper, March 7 at 3, County Court of Norfolk, at King's Lynn.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 6 at 10, before the CHIEF COMMISSIONER.*

*Frederick Richter*, Brockham-villas, Dalston, Middlesex, commission traveller to an asphalt merchant.—*J. Marshall*, Chancery-lane, and White Lion-court, Wych-street, Strand, Middlesex, cabinet maker.—*T. Wm. Kerwood*, Edward-st., Peaton-place, Walworth, Surrey, and Billingsgate-market, London, cheesemonger.—*Robert Charles Smith*, James-st., Commercial-road, Peckham, Surrey, commercial clerk.—*S. H. Newman*, Potter's-bar, South Mimms, Middlesex, licensed retailer of beer.—*Robert Gibson*, Marshall-st., Golden-square, Middlesex, bricklayer.

*March 7 at 10, before the CHIEF COMMISSIONER.*

*Richard Henry Gilbert*, Stratford, Essex, hairdresser.—*T. Gibbs*, Aldenham, Hertfordshire, grocer.

*March 21 at 10, before Mr. Commissioner MURPHY.*

*James Brown*, World's End, Hampstead, Middlesex, carpenter.—*Henry Williams*, Tavistock-street, Covent-garden, Middlesex, clerk in the Phoenix Fire Insurance Office, Lombard-street, London.—*P. Raynes*, New-road, Whitechapel, Middlesex, waiter.—*Samuel Phelan Boddy Mortimer*, Frederick's-place, Hampstead-road, Middlesex, schoolmaster.—*H. Wm. Town*, Union-street, Southwark, Surrey, tobacco-

nist.—*John Dark*, Anchor and Hope-alley, Wapping, Middlesex, baker.—*Thos. Collins*, Somerset-street, Aldgate, London, carpenter.—*Benjamin Baker*, Shoreditch, Middlesex, confectioner.—*William Bloom Humphrey*, Little Gray's-inn-lane, Holborn, Middlesex, tailor.—*George Johnston* the elder, Vere-st., Oxford-st., Middlesex, veterinary surgeon.—*John B. Moody* the elder, Bermondsey-st., Southwark, Surrey, pewterer.—*Matthew Guernier*, Stephenson-st., Canning-town, Plaistow, Essex, butcher.—*J. Olding*, Sloane-street, Chelsea, Middlesex, gentleman.—*W. Hutchinson*, Bexley and Footscray, Kent, grocer.

*Saturday, Feb. 17.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*S. Tuck*, Newgate-market, London, herbalist, No. 53,480 T.; Hale Wortham, new assignee; Thomas Wortham, late assignee, deceased.—*George Gossing*, Curtain-road, Shoreditch, Middlesex, baker, No. 64,940 T.; William Wells Thomas, assignee.—*John Wilbraham Lethingam*, Dover, Kent, out of business, No. 78,073 C.; William Wright, assignee.—*Kemble Weeding*, Eye, Suffolk, yeoman, No. 79,246 C.; Edward Thorn, assignee.—*Thos. Sutcliffe*, Barrowford, near Burnley, Lancashire, weaver, No. 79,269 C.; H. Robinson, assignee.—*Emmot Sutcliffe*, Barrowford, near Burnley, Lancashire, farmer, No. 79,270 C.; Henry Robinson, assignee.—*Joseph Thornton*, Wakefield, Yorkshire, tailor, No. 79,392 C.; Wm. Henry Dobson, assignee.—*H. Bowers*, Dudley, Worcester-shire, out of business, No. 79,026 C.; Robert Lewis, assignee.—*Thomas Wilkinson*, Hulme, Manchester, stonemason, No. 79,290 C.; Thomas Nicholson, assignee.—*John Longley*, Beeston-hill, Yorkshire, cloth manufacturer, No. 79,386 C.; John Fearnley and Fairfax Mann, assignees.—*S. Womersley*, Southwam Bank, near Halifax, Yorkshire, provision dealer, No. 79,405 C.; Eli Ackroyd, assignee.—*John Jackson* the younger, York, contractor, No. 79,411 C.; William Bellerby and John Pilkington, assignees.—*James Lay Hart*, Newton, Suffolk, out of business, No. 79,415 C.; Walter Hart, assignee.

*Saturday, Feb. 17.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Mayer*, Sun-street, Bishopsgate, London, foreman to a timber merchant: in the Debtors Prison for London and Middlesex.—*Geo. Pavitt*, Church-row, St. George's-in-the-East, Middlesex, ex-policeman: in the Debtors Prison for London and Middlesex.—*John Mann*, Duppasshill-lane, Croydon, Surrey, carrier: in the Debtors Prison for London and Middlesex.—*Henry George Harrison*, Watts-buildings, Hoxton Old-town, Middlesex, smith: in the Debtors Prison for London and Middlesex.—*Robert Smith*, Pinder-place, Black Horse-yard, Gray's-inn-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*John Gillies*, Providence-place, Walworth-common, Surrey, baker: in the Debtors Prison for London and Middlesex.—*J. Venn*, Great George-st., Bermondsey, Surrey, shoemaker: in the Gaol of Surrey.—*Henry Belfe*, Percy-street, Old-road, St. Pancras, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*John Watts* the younger, Great Dover-street, Southwark, Surrey, baker: in the Gaol of Surrey.—*Robert Michael Bristow*, Gloucester-row, Prospect-row, Walworth-road, Surrey, nightman and carman: in the Gaol of Surrey.—*Alexander Viner*, St. Ann's-place, Commercial-road, Limehouse, Middlesex, coffee-house keeper: in the Debtors Prison for London and Middlesex.—*Robert Williams*, George-street, Peatonville, Middlesex, ironfounder: in the Debtors Prison for London and Middlesex.—*Herman M. Milton*, Paxton Head-yard, Knightsbridge, Middlesex, commission livery-stable keeper: in the Queen's Prison.—*E. Wallis*, Devonshire-street, Lisson-grove, Middlesex, leather seller: in the Debtors Prison for London and Middlesex.—*Wm. Bridgen*, Phoenix-street, Somers-town, Middlesex, cowkeeper: in the Debtors Prison for London and Middlesex.—*Henry Hugh Foothead*, Ashley-terraces, Shepherd's-walk, City-road, Shoreditch, Middlesex, wholesale milliner: in the Debtors Prison for London and Middlesex.—*John Doughty*, York-street,

Westminster, Middlesex, baker: in the Gaol of Surrey.—*W. Kipling*, Barnard Castle, Gainford, Durham, surgeon: in the Queen's Prison.—*G. Soper*, Great Guildford-street, Southwark, Surrey, linendraper's shopman: in the Gaol of Surrey.—*Benjamin Jones*, Jewin-crescent, Jewin-street, London, wool carder: in the Queen's Prison.—*Robert John Hartwell*, Prospect-place, St. George's-road, Southwark, Surrey, compositor: in the Debtors Prison for London and Middlesex.—*Abraham Armstrong*, High-street, Camden-town, Middlesex, accountant: in the Gaol of Surrey.—*Thomas Donaldson* the younger, Peel-place, Cambridge-road, Bethnal-green, Middlesex, labourer: in the Debtors Prison for London and Middlesex.—*Wm. Herrick*, New Tothill-street, Westminster, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*John Masey*, Liskeard, Cornwall, dealer in fancy goods: in the Gaol of Bodmin.—*W. Priestnall*, Manchester, provision dealer: in the Gaol of Lancaster.—*Wm. Barker*, Heaton Norris, Lancashire, out of business: in the Gaol of Lancaster.—*John Jones*, Bolton-le-Moors, Lancashire, small-ware dealer: in the Gaol of Lancaster.—*Frederick Billington*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. Lawrinson*, Strangeways, Manchester, auctioneer: in the Gaol of Lancaster.—*John Winstanley*, Manchester, beer-seller: in the Gaol of Lancaster.—*J. Munden* the younger, Netherbury, Dorsetshire, out of business: in the Gaol of Dorchester.—*George Pear*, Liverpool, out of employment: in the Gaol of Lancaster.—*Thomas Hudson*, Liverpool, pilot: in the Gaol of Lancaster.—*Henry Bates*, Oldham, Lancashire, tailor: in the Gaol of Lancaster.—*James Walker*, Newtown, Manchester, out of business: in the Gaol of Lancaster.—*Wm. Hinchliffe*, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*Josiah T. Slugg*, Hulme, Lancashire, druggist's assistant: in the Gaol of Lancaster.—*Josiah Bradwell*, Manchester, out of business: in the Gaol of Lancaster.—*James Brindley*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*George Croston*, Manchester, out of business: in the Gaol of Lancaster.—*Alfred Aldred*, Greenheys, Manchester, out of business: in the Gaol of Lancaster.—*Emma Edwards*, Mardol, Shrewsbury, Shropshire, innkeeper: in the Gaol of Shrewsbury.—*John Edwards*, Manchester, out of business: in the Gaol of Lancaster.—*George Isaac Moss*, Portsea, Southampton, gas fitter: in the Gaol of Winchester.—*John Sherman*, Gosport, Southampton, out of business: in the Gaol of Winchester.—*J. Nightingale*, Birmingham, carpenter: in the Gaol of Warwick.—*J. Smith*, Lee-end, Alvechurch, Worcestershire, farmer: in the Gaol of Warwick.—*John Allen*, Coalbournbrook, near Stourbridge, Staffordshire, agent: in the Gaol of Warwick.—*Isaac Urban Cooke*, East Lulworth, Dorsetshire, clerk in orders: in the Gaol of Dorchester.—*John C. Monnell*, Liverpool, out of business: in the Gaol of Lancaster.—*Joseph Ward*, Everton, near Liverpool, assistant draper: in the Gaol of Lancaster.—*Wm. Ogden* the younger, Rochdale-road, Lancashire, cotton spinner: in the Gaol of Lancaster.—*George Richards*, Birmingham, plumber: in the Gaol of Warwick.—*J. Quiney*, Rugby, Warwickshire, baker: in the Gaol of Warwick.—*James Pascal Chadwick*, Newport, Monmouthshire, theatrical manager: in the Gaol of Monmouth.—*W. Brown*, Sheffield, Yorkshire, fork grinder: in the Gaol of York.—*Wm. Taylor* the younger, Ambrosden, Oxfordshire, grocer: in the Gaol of Oxford.—*Samuel Griffiths*, Wolverhampton, Staffordshire, commission agent: in the Gaol of Stafford.—*James Mead*, Moxley, Staffordshire, field carpenter: in the Gaol of Stafford.—*John Higginbottom*, New Mills, Derbyshire, out of business: in the Gaol of Derby.—*Joseph Walters*, Alfreton, Derbyshire, auctioneer: in the Gaol of Derby.—*M. Hopkins*, Rochester, Kent, job master: in the Gaol of Maidstone.—*David Haigh*, Hanging Heaton, near Dewsbury, Yorkshire, tailor: in the Gaol of York.—*John Lowe*, Salford, Lancashire, slater: in the Gaol of Lancaster.—*Joseph Ashworth*, Bury, Lancashire, out of business: in the Gaol of Lancaster.—*Henry Oakshott*, Arundel, Sussex, baker: in the Gaol of Petworth.—*William Wellsted*, St. Leonards-on-Sea, Sussex, stationer: in the Gaol of Dover.—*Wm. H. Roberts*, Bracknell, Berkshire, out of business: in the Gaol of Reading.—*James Pembroke*, Rochester, Kent, tailor: in the Gaol of Maidstone.—*Robert Calbreath*, Newcastle-upon-Tyne, out of business: in the Gaol of Newcastle-upon-Tyne.—*Matthew Marshall*, Kirkgate, Leeds, Yorkshire, tailor: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 6 at 10, before the CHIEF COMMISSIONER.*

*Charles T. Fryer*, Samuel-street, Catherine-street, Lime-house-fields, Middlesex, out of business.

*March 6 at 10, before Mr. Commissioner MURPHY.*

*Anna Hill*, widow, Upper Berkeley-street, Portman-square, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Staffordshire, at STAFFORD, March 5 at 11.*

*Thomas Habberley*, Wolstanton, blacksmith.

*At the County Court of Lancashire, at MANCHESTER, March 5 at 12.*

*John Aarons*, Manchester, grocer.

*At the County Court of Lincolnshire, at LINCOLN, March 6 at 12.*

*Wm. Stanewell*, Gainsborough, butcher.

*At the County Court of Kent, at MAIDSTONE, March 6 at 12.*

*James Pembroke*, Deptford, tailor.

*At the County Court of Flintshire, at MOLD, March 6 at 11.*

*Joseph D. Roberts*, Holywell, commission agent.

*At the County Court of Northamptonshire, at NORTHAMPTON, March 7.*

*John Bull*, Wicken Hurst, Passenham, near Stony Stratford, carpenter.—*Robert Warr*, Loughton, near Stony Stratford, in no business.

*At the County Court of Gloucestershire, at BRISTOL, March 8 at half-past 10.*

*Robert Howard*, Bristol, retailer of beer.

*At the County Court of Nottinghamshire, at NOTTINGHAM, March 20.*

*Nathaniel Barnsdall*, Nottingham, linseed crusher.

#### MEETING.

*Matthew Blake*, Rylston, near Skipton, Yorkshire, gentleman, March 10 at 12, at Law & Gould's, solicitors, Manchester, sp. aff.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Thomas Bayley Hearn, of Ryde, in the Isle of Wight, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Southampton.

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## THE JURIST.

LONDON, MARCH 3, 1855.

SINCE our last number, in which we called attention to the bills before Parliament for facilitating remedies upon bills of exchange and promissory notes, a meeting of bankers, merchants, and lawyers, convened specially for the discussion of this subject, has been held at Birmingham. The main objections urged upon this occasion to the legislative measures alluded to were, that a peculiar character would be given to negotiable instruments, by which the holders would be placed in a more favourable position than other creditors; that they would resemble cognovits or warrants of attorney, rather than the old mercantile letter; that circulation of good bills would be restricted, and the only parties benefited would be the bill-discounters; that of the immense number of bills sent out, very few comparatively were dishonoured; and that the large commercial towns were not desirous of any change.

The following paragraphs contain the leading arguments used by the objectors in their own language, and are inserted in the petition which they have presented to Parliament:—

"That by the provisions of this bill, (Mr. Keating's bill), an overdue bill of exchange or promissory note will have all the force and effect of a secret security available in eight days against the property and person of a trader, which, besides giving an undue advantage to the creditor whose bill or note happens to be first dishonoured, will make a trader, by a collusive arrangement with a friendly or family creditor, to

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procure his property to be swept away, and a fraudulent preference to be obtained over all his other creditors.

"That the provisions of the said bill, by which indorsers as well as acceptors and drawers of bills and notes are rendered indiscriminately liable to have a judgment recorded against them, and their property or persons seized in execution in eight days after dishonour of a bill or note which they were not primarily liable to pay, are calculated to create great distrust and alarm amongst the commercial classes of this country, and seriously to interfere and diminish the use of bills of exchange and promissory notes as a medium of circulation, and to create great confusion and inconvenience in the negotiation of foreign bills of exchange, which are remitted to this country in payment in the ordinary course of business.

"That such an enactment will be directly opposite to the policy of the law, unless further provisions are introduced, by which proceedings against the trader on a dishonoured bill or note shall be made to result in an equal distribution of his property amongst all the creditors, and not on the preference of one creditor over another; and your petitioners submit that if the said bill is passed into a law in its present form, greater facilities for the perpetration of fraud will be created than at present exist, and greater evils arise than any which are now felt by reason of frivolous or vexatious defences to actions on bills of exchange or promissory notes under the existing law.

"That whilst the power of defending an action to gain time may be sometimes frivolously and vexatiously used, it is more frequently adopted by traders

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acting under advice for the benefit of the general body of their creditors, and as a means of obtaining time and opportunity to look more narrowly into the state of their affairs, and to enable them to call their creditors together, with a view to some arrangement by which the creditor suing may not obtain a preference over all others; and your petitioners contend that the provisions of the existing law in this respect, which the proposed bill is intended to change, have not been required to be altered, nor have the new remedies which it is sought to substitute been called for, by any of the influential classes of commercial men in this country."

Without further comment of our own, we now leave the question, with the arguments pro and con, for the consideration of our readers.

### NOTES OF THE WEEK.

THE Criminal Justice Bill, giving magistrates in petty sessions power to convict in all cases of petty larceny where the value of the article stolen does not exceed 10s. in value, and in such cases to inflict a punishment not exceeding one year's imprisonment, has been read a second time in the House of Lords. The prisoner may be tried by a jury, if he prefers it. Prisoners pleading guilty to charges of larceny, where the value exceeds 10s., may be sentenced by the magistrates at once to imprisonment for any term not exceeding one year.

The Public Prosecutors Bill (introduced by Mr. J. G. Phillimore and Mr. Watson) empowers the Queen to divide the circuits of the judges of assize into districts, and the Lord Chancellor to appoint for each of such districts one or more public prosecutors, being barristers of not less than ten years' standing; the salaries of these officers are to be fixed by the Lords of the Treasury. Before a criminal trial, the public prosecutor's duty will be somewhat analogous to that of a grand jury—that is, he will examine the depositions, and signify his opinion whether the evidence is sufficient to justify the prisoner's committal for trial or not. At the trial, the duty of the public prosecutor will be to conduct the prosecution on the part of the Crown. Deputy public prosecutors may be appointed, in case of need, by the clerk of assize. Such officers are to be barristers of three years' standing. Provision is also made for the appointment of attorneys for the prosecution, and district agents, whose duty it will be to get up evidence for the public prosecution. Persons, however, may present bills of indictment before the grand jury as before, at their own cost.

On the trial of Thomas Munroe at Carlisle, on the 23rd February, for the murder of Isaac Turner, Dr. Alfred Taylor was examined as to spots of blood found on the prisoner's clothes, and stated that by the aid of the microscope he separated the particles of blood, measured them, and found that the globules had the large size peculiar to human blood. They were larger in human beings than in any other animals of the same class—mammalia. They were about six times the size of the particles of blood from a cow. Ammonia enabled him to ascertain it to be blood: when ammonia was added to blood, it underwent no change in colour; all other red colours were converted by ammonia into green. The small globules in a human being were in diameter 3500 to an inch; in a sheep 5600; in a cow 4200; in a pig 3900 or 4000. In recent blood, if coagulated, the spots were shining and glossy, like varnish; when placed in distilled water they speedily dissolved. Neither age nor sex made any difference in the appearance of the blood, but disease would make a difference.

The Law Amendment Society met on Saturday, the 24th February. Lord Brougham was in the chair, and the Solicitor-General moved a resolution to the effect that the friends of law reform should at the present time direct their special attention to the following measures:—

1. The consolidation of the law.
2. An amendment of the Common-law Procedure Act of last session, so as more effectually to secure the attainment of its objects.
3. Amendment of the law of bankruptcy.
4. Alteration in the law of partnership, so as to afford greater facilities for the promotion of partnerships with limited liability.
5. Amendment of the laws relating to women, including the law of divorce.
6. The appointment of a public prosecutor.
7. The more speedy trial of offenders, (especially when charged with petty offences), and a general improvement in the administration of the criminal law.
8. The amendment of the act of last session relating to juvenile reformatories.

In the second Court of Exchequer, (Feb. 24), Martin, B., and the special jurors who were in attendance, expressed their opinion that the old system of trying causes by special juries was much more convenient than the new one requiring a separate special jury for each separate cause.

In *Re Manning*, (Feb. 24, Bankr., before Mr. Commissioner Goulburn), upon an application, under the 125th section of the Bankrupt-law Consolidation Act, for an order for the sale of certain goods and chattels, which it was alleged were "in the possession, order, or disposition" of a bankrupt, at the time he became bankrupt, with the consent of the true owner, "and whereof he was reputed owner," but of which he had previously given a bill of sale to one of his creditors, the learned commissioner held, that the fact of the bill of sale having been duly filed under the recent act (17 & 18 Vict. c. 36) did not affect the "reputed ownership" contemplated by the 125th section; the registration or filing of a bill of sale under the act not giving notoriety to the transfer of the property comprised in it sufficient to destroy the "reputed ownership." By consent of the parties, the commissioner's decision was to be final, subject only to appeal to the Lords Justices. In the absence of such consent the application is *ex parte*, (see *Ex parte Barlow*, 2 De G., Mac., & G. 921), and the order is granted as a matter of course.

### MORTGAGE—ACKNOWLEDGMENT WITHIN STAT. 3 & 4 WILL. 4, c. 27, s. 28.

[From a Correspondent.]

THE important practical consequences attendant on the recent decision in *Stansfeld v. Hobson*, (16 Bear. 236; 3 De G., Mac., & G. 620), and the imperfect consideration the case appears to have received, justify some remarks respecting it.

*Stansfeld v. Hobson* was a suit to redeem, under the following circumstances:—A leasehold estate was assigned to the defendant by way of mortgage. In 1825, the interest being in arrear, the defendant entered into possession, and continued in possession down to 1852, when the claim was filed. In 1850, in reply to an application from the plaintiff's solicitor, he wrote a letter, in which he said, "I do not see the use of a meeting, either here or at Manchester, unless some party is ready with the money to pay me off." This letter, the plaintiff contended, brought the case within the exception in the 28th section of the 3 & 4 Will. 4, c. 27. The Master of the Rolls so determined, and the Lords Justices, on appeal, affirmed the decision.

There were two questions—one, whether the letter was a sufficient acknowledgment in point of form, which it is unnecessary to notice further; the other, whether the acknowledgment, if good in form, was not too late.

In the Court of Appeal the chief, and in the court below the only, contention appears to have been on the point of form; no notice of the other point is taken in the argument or judgment at the Rolls, or in the judgment in the court above.

On the appeal, it was contended for the defendant, that the acknowledgment ought to have been given within twenty years after the mortgagee obtained possession; that no other effect could be given to the expression "in the meantime" in the 28th section of the statute. The Lords Justices expressed no opinion on the point; but as judgment was for the plaintiff, they must have thought "meantime" comprises any interval between the taking possession and the commencement of the suit, if an acknowledgment be given, and the suit commenced within twenty years after such acknowledgment; so that although a mortgagee may be in adverse possession for twenty or thirty years, or upwards, no matter how long, yet, if he acknowledges the mortgagor's title, the latter has a further period of twenty years to make his claim.

The principle upon which all the enactments of the statute are grounded is, that an adverse possession for twenty years ought to confer an indefeasible title; and therefore one would have expected to find the Courts astute to construe the act so as to carry out that principle, wherever the language permitted such a construction. Was it prevented here? Certainly not. What is the language of the statute? No suit for redemption is to be brought "but within twenty years next after the time at which the mortgagee obtained possession, unless in the meantime an acknowledgment of the title of the mortgagor, or of his right of redemption, shall have been given;" and in such case "no such suit shall be brought but within twenty years next after the time at which such acknowledgment, or the last of such acknowledgments, was made;" the obvious meaning of which is, that the suit must be brought within twenty years, reckoning forward from the taking possession where there is no acknowledgment, and from the giving the acknowledgment where there is. If, where there is an acknowledgment, the suit is to be commenced within twenty years from the giving the acknowledgment, *pari ratione* the Legislature must have intended that the suit should be commenced within twenty years from the time of taking possession where there is no intermediate acknowledgment.

It was intended to fix some limit to the time for redeeming; but if "meantime" means twenty years, reckoning from the giving the acknowledgment, without regard to the time of taking possession, the mortgage title will be kept alive for an indefinite time, since it is impossible to predicate when the last acknowledgment may not be given. According to the decision in *Stansfeld v. Hobson*, the commencement of the suit is the point to reckon from, and we are to reckon backward; and if within twenty years so reckoned we find the entering into possession, or an acknowledgment, then the suit is in time.

But this construction of the 28th section is not only unwarranted by its language, and opposed to the spirit of the act, but it ignores and goes far to repeal the 34th section altogether. Although that section plays an important part in the general construction of the act, no reference was made to it; and the omission renders the decision the more unsatisfactory. The 34th section declares, that at the determination of the period limited for bringing any suit, the right and title of the claimant shall be "extinguished." Now, what is the period at the determination of which the right is to be

extinguished, where there is no acknowledgment, if it be not twenty years from the entering into possession? If a mortgagee is in possession twenty years, and during that time makes no acknowledgment, is not the mortgagor's title under this section extinguished the moment the twenty years are completed, and that, too, entirely and for ever? There is no other period to which the extinguishment can be referred. There "meantime" must refer to the twenty years' possession. Then, at the expiration of the twenty years, is there any difference between the case put and one where there is a subsequent acknowledgment?

The decision converts "extinguished" into "dormant;" it treats the right to redeem as being in full vigour just twenty years, and then falling into a dormant state, ready to start into life again for another twenty years whenever its existence is acknowledged. How long that dormant state may continue is left uncertain. Does it depend on the continued ownership of the mortgagee? Is it affected by his dealings with the property? Does it terminate with his life? At the end of the twenty years' possession, is the estate of the mortgagee in equity real or personal? As, according to *Stansfeld v. Hobson*, the mortgagee may at any time during his life acknowledge with effect his mortgage title, it would seem to follow, that to the time of his death he has nothing more, and that his interest should pass to his personal representative. That, however, it would be difficult to reconcile with well-known rules of equity. If a judgment be entered up against the mortgagee, what lien has the creditor after the twenty years? May it be defeated by the debtors acknowledging the title of the mortgagor? If the mortgagee makes a lease, to what extent will it be valid? And if he sells and conveys as absolute owner, will the acknowledgment of his grantee have the same effect as his own?

Other cases might be suggested, but the above are sufficient to shew the confusion this decision, if acted on, will create. S. S. W.

### THE RELIGION OF FOUNDLINGS.

THE guardians of the North Dublin Union have been placed in a position of some difficulty by certain opinions delivered by the respective law officers of the Crown, Mr. Attorney-General Brewster and Mr. Solicitor-General Keogh. It would appear that some doubt existed in the minds of the guardians as to the religion of foundlings. The Protestant section held that they should be considered of the religion of the State which was incumbered with their maintenance. The Roman Catholic section disputed this proposition, and referred the matter to the commissioners. The commissioners, therefore, submitted certain queries to the Attorney-General and Solicitor-General. The result is, that Mr. Brewster thinks with the Protestant and Mr. Keogh with the Roman Catholic section of the board. However, the Poor-law Commissioners have adopted the opinion of the senior legal adviser. The following letter from the Poor-law Commissioners explains the case:—

"Poor-law Commission Office, Dublin,  
Dec. 23, 1854.

"Sir,—With reference to the letter addressed to the board of guardians of the North Dublin Union on the 21st August last, on the subject of the religious registry of illegitimate children, I am now directed by the commissioners for administering the laws for the relief of the poor in Ireland to state, that they have received the opinions of the Attorney and Solicitor General on the queries submitted to them on this subject, and I am to inclose copies of the queries and opinions for the information and guidance of the board of guardians.

"The cases which are embraced by the first query,

and are of most difficulty in practice, are those of foundling children baptised shortly before admission to the workhouse, while in the hands of the police, or of those to whom they have been intrusted for nurture, and in which it is clear that the baptism can afford no indication as to the religious denomination of the parents.

"In any such case the Attorney-General's opinion is quite clear, that if the child be so young as to be incapable of forming any opinion, the baptism ought not to influence the registry, and that the child should be registered of the religious denomination of the State.

"The opinion of the Solicitor-General, although differing from that of the Attorney-General, as to the effect of a certificate of baptism, unaccompanied by all other information, does not go the length of declaring that where the baptism is known to have taken place very recently before admission to the workhouse, and where, the parents being unknown, it could certainly have no reference to them or to the religious creed, the baptism nevertheless ought to be conclusive on the guardians, and the child, of necessity, registered of the denomination indicated by the religion of the clergyman making the certificate.

"In cases of this description, therefore—that is, in cases where it is known the child is very young, was baptised after desertion, and without any reference to or knowledge of the wishes of its parents or their religious denomination—the commissioners recommend the guardians to be governed by the opinion of the Attorney-General, and to register the child as of the religion of the State.

"The opinions given by the Attorney-General and Solicitor-General, in answer to the second query, agree; and in all cases where the guardians have satisfactory evidence of the child's instruction in the tenets and practices of any particular creed, they ought to register its religious denomination accordingly.

"By order of the commissioners,

"W. STANLEY, Secretary.

"To the Clerk, North Dublin Union."

#### "Copy of Queries.

"First—Does the production of a certificate of baptism, or other evidence that a child has been baptised in a particular religious denomination, render it the duty of the board of guardians to register the child as of that religious denomination, in the absence of any information as to the religious creed of its parents or guardians?

"Second—Ought the guardians, on such evidence of previous religious education as that supplied by the fact that the child can go through the form of blessing itself, or can recite certain prayers, to register the child as of the religious denomination in which that form is practised or those prayers are used?

#### "Copy.—Opinion of the Attorney-General.

"To first query—I have fully conferred with the Solicitor-General on this case, and we have agreed that each should state his opinion. Mine is, that the mere production of a certificate of baptism does not render it the duty of the board of guardians to register a child, so young as to be incapable of forming any opinion of its own, of the religious denomination of the clergyman who has given the certificate. What effect the production of other evidence may have must depend upon its nature and sufficiency, and no answer generally applicable can be given to that part of the first query. The difficulty will arise, for the most part, if not exclusively, in cases of deserted children of very tender years, the religion of whose parents is unknown; in such cases (according to Mr. Blackburne's opinion of 1842, in which I have already expressed my concurrence) it is the duty of the board of guardians to register and educate the child in the religion of the State. The onus of proving that they ought to register

and educate it in any other lies on those who require them to do so. This can only be done by proving that the religion of the child's parent was not only not that of the State, but was that in which they require it to be educated; for the question in effect excludes cases of orphans, whose religion may in certain cases be determined by their guardians or sponsors. This it is which raises the question—"To what extent is the certificate of baptism of a deserted child evidence of the religion of its parent?" It appears to me, in the absence of any other proof whatever, (a case, however, in my opinion, not merely hypothetical, but almost impossible), that the certificate is no evidence either way; for it does not appear whether the baptism took place before or after the desertion; it may as well have been before as after; and if so, it is obvious that it can afford no evidence as to the parent's religion. It therefore appears to me, that it is not the mere certificate of baptism, but the time at which it took place, and the circumstance of it, that must be considered, in order to arrive at any reasonable inference as to what the religion of the parent of a deserted child may have been.

"Second query—If it can be ascertained that the child has been instructed in the tenets and practices of any particular religious denomination, the guardians ought not to allow its religious opinions or belief to be disturbed—at least, unless its parent actually interferes to direct its religious education.

"December, 1854.

"A. BREWSTER."

#### "Copy.—Opinion of the Solicitor-General.

"I have conferred with the Attorney-General on this case, and regret that he and I do not arrive at the same conclusion on the first query. The question, put in distinct terms, admits that the guardians are altogether without information as to the religious belief of the parents or guardians of a child, save so far as they may be guided by the fact of the baptism of the child as of a particular religious denomination of Christians. In that case (and it is upon it alone I am asked to advise) I am of opinion that the guardians cannot throw out of consideration the fact of baptism. In the absence of all other information, it seems to me to raise a strong presumption that the person who had the child baptised was of the religious denomination in which he caused that sacrament to be administered; and I can see no valid reason for assuming that the person so in charge of the child was not its parent; but, on the contrary, the natural inference appears to me to be, that the child was baptised at the desire of its parent, and in the same religious denomination to which the parent belonged. I therefore do consider, in the absence of all other information, the production of a regular certificate of baptism, or other sufficient evidence that a child has been baptised in a particular religious denomination, renders it the duty of the board of guardians to register the child as of that religious denomination in which it has been baptised.

"As to the second query, I entertain no doubt that the guardians, on such evidence of previous religious education as that supplied by the fact that the child can go through the form of blessing itself, or can recite certain prayers, ought to register the child as of the religious denomination in which that form is practised or those prayers are used. I am not asked to give any opinion upon the questions submitted some years since to Mr. Blackburne; but I may add, that in arriving at the conclusion I have above expressed, I have been much influenced by the manifest intention of the Legislature, as declared in the Irish Poor Relief Act, to discountenance all interference with the religion of the inmates of workhouses, whether adults, children under the protection of their parents, or orphans.

"December, 1854.

"WM. KEOGH."



## London Gazettes.

FRIDAY, FEBRUARY 23.

## BANKRUPTS.

**GEORGE CUNNINGHAM STEWART**, Hackney-road, Middlesex, draper and trimming manufacturer, (lately carrying on business with John Coles, under the style or firm of Coles & Co.), March 2 at 1, and April 3 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed Feb. 19.

**THOMAS SALMON**, Kettering, Northamptonshire, ironmonger, dealer and chapman, March 7 at half-past 1, and April 4 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Hodgson, Birmingham; Sole & Co., 68, Aldermanbury, London.—Petition dated Feb. 5.

**JAMES HOWELL**, late of Bartholomew-road, Holloway, but now of Judd-street, Brunswick-sq., Middlesex, builder, dealer and chapman, March 6 at half-past 12, and April 12 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Watson & Sons, Bouverie-street, Fleet-street.—Petition filed Feb. 21.

**WILLIAM BOWLER**, Old Jamaica Wharf, Upper Ground-street, Lambeth, Surrey, timber merchant, March 3 at 2, and April 4 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Rixon & Son, 11, King William-street, City.—Petition dated Feb. 20.

**GEORGE COOPER ROUSE**, (commonly called **GEORGE COOPER**), Dovercourt, Essex, grocer and baker, Feb. 23 at 1, and April 4 at 11, (and *not* April 6 at 12, as before advertised), Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Laurence, Ipswich; Cree & Son, 3, Verulam-buildings, Gray's-inn.—Petition dated Feb. 5.

**SIMON OATES**, Cambridge, builder, dealer and chapman, March 3 at 12, and April 13 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Paxon, 8, New Boswell-court, Lincoln's-inn.—Petition filed Feb. 20.

**JAMES TURNER**, Hedge-row, Islington High-street, Middlesex, draper, March 5 and 30 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed Feb. 22.

**JANE MARY BENTLEY**, Dudley, Worcestershire, grocer, dealer and chapwoman, March 12 and 28 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Boddington, Dudley.—Petition dated Feb. 21.

**JAMES KING**, Birmingham, licensed victualler, dealer and chapman, March 9 and 31 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Harding, and Hawkes, Birmingham.—Petition dated Feb. 19.

**HAYDON LOUNDS**, Bourn, Lincolnshire, coach builder and wheelwright, March 6 and April 3 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Brown, Market Deeping; James, Birmingham.—Petition dated Feb. 14.

**JOHN HENRY CHEETHAM**, Nottingham, lace manufacturer, (trading under the style or firm of John Henry Cheetham & Co.), March 6 and April 3 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Coope, Nottingham.—Petition dated Feb. 17.

**DANIEL HEARN**, Cheltenham, Gloucestershire, linen-draper and laceman, March 8 and April 3 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Pruen, Cheltenham; Abbot & Lucas, Bristol.—Petition filed Feb. 20.

**GEORGE RICHARD BLACKWELL**, Cheltenham, Gloucestershire, marble mason and sculptor, March 8 and April 3 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Pruen, Cheltenham; Abbot & Lucas, Bristol.—Petition filed Feb. 22.

**WILLIAM RANDLE**, Cheltenham, Gloucestershire, miller, mealman, and baker, March 8 and April 16 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Pruen, Cheltenham; Abbott & Lucas, Bristol.—Petition filed Feb. 22.

**RALPH PICKSTONE** and **AMBROSE MAYALL**, Hurst, Ashton-under-Lyne, Lancashire, cotton spinners, March 6 and April 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Rowley & Son, Manchester.—Petition filed Feb. 13.

**LUIZ CAUZIE**, Cardiff, Glamorganshire, beer and lodging house keeper, March 6 and April 3 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Bevan & Girling, Bristol.—Petition filed Feb. 10.

**JOHN CLENCH**, Exeter and St. Thomas-the-Apostle, Devonshire, timber dealer and manure dealer, March 2 and 29 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Force, Exeter.—Petition filed Feb. 20.

**JOHN MOORE**, Halifax, Yorkshire, common brewer, March 9 and 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. G. & G. H. Edwards, Halifax; Bond & Barwick, Leeds.—Petition dated Feb. 9.

**WILLIAM WESTMORE COWHERD KIRKHAM**, Manchester, money scrivener, March 5 and 27 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Boote, Manchester.—Petition filed Feb. 21.

## MEETINGS.

*George Pryde, David Jones, and John Gibb*, Liverpool, sailmakers, March 7 at 11, District Court of Bankruptcy, Liverpool, pr. d.—*Joshua Crowther and Wm. Dickinson* the younger, Manchester, general Manchester warehousemen, March 8 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*Lionel Goldsmith*, Queen-street, Cheapside, London, merchant, March 9 at 11, Court of Bankruptcy, London, aud. ac.—*George James Lee*, Chertsey, Surrey, builder, March 9 at 12, Court of Bankruptcy, London, aud. ac.—*Robert Thomson*, St. John-street-road, Clerkenwell, Middlesex, linendraper, March 9 at 1, Court of Bankruptcy, London, aud. ac.—*Henry Brown*, Marden, Kent, potter, March 9 at 11, Court of Bankruptcy, London, aud. ac.—*F. Fytche*, Regent-street and Beak-street, St. James, Westminster, Middlesex, jeweller, March 9 at 12, Court of Bankruptcy, London, aud. ac.—*George Saunders*, Seymour-street, Euston-square, Middlesex, gasfitter, March 9 at 11, Court of Bankruptcy, London, aud. ac.; March 16 at half-past 11, div.—*Samuel Adams, W. Bridges Adams, and Gerard Ralston*, Fair Field Works, Bow, Middlesex, engineers, March 9 at 11, Court of Bankruptcy, London, aud. ac.; and March 16 at 11, div., joint est. of *Wm. B. Adams and G. Ralston*.—*Harvey Meadows*, Warboys, Huntingdonshire, draper, March 19 at 11, Court of Bankruptcy, London, div.—*Thomas Laurence*, Reading, Berkshire, draper, March 17 at 2, Court of Bankruptcy, London, div.—*Chas. Kelly*, High-street, Kensington, and Baker-street Bazaar, Baker-street, Portman-square, Middlesex, auctioneer, March 17 at 12, Court of Bankruptcy, London, div.—*George J. Philips*, Cannon-street West, London, hosier, March 17 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Dunskey*, Daventry, Northamptonshire, grocer, March 16 at half-past 11, Court of Bankruptcy, London, div.—*Josiah Overbury*, Wootton-under-Edge, Gloucestershire, dealer and chapman, March 16 at 12, Court of Bankruptcy, London, div.—*Nathaniel Magnus* the younger, Fore-st., Cripplegate, London, shoe manufacturer, March 16 at 11, Court of Bankruptcy, London, div.—*Henry Mantle Hitchcock*, Ilkeston, Derbyshire, miller, March 6 at 10, District Court of Bankruptcy, Nottingham, aud. ac.; March 20 at 10, div.—*John Cartmell*, Liverpool, shoemaker, March 19 at 11, District Court of Bankruptcy, Liverpool, div.—*John Foden*, Liverpool, grocer, March 17 at 11, District Court of Bankruptcy, Liverpool, div.—*Joseph Wooler*, Stockton-on-Tees, Durham, draper, March 16 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Jas. Ogle Holmes*, Sunderland, and *Young L. Marshall*, Roker, Durham, timber merchants, March 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*David Allen Ramsay*, Kensington-park-terrace, Nottingham, Middlesex, builder, March 20 at 11, Court of Bankruptcy, London.—*John Royle*, Faversham, Kent, tailor, March 13 at 11, Court of Bankruptcy, London.—*J. Cox*, St. George's-square, Fimlico, Middlesex, builder, March 19 at half-past 11, Court of Bankruptcy, London.—*John Peter White*, Mark-lane, London, merchant, March 16 at half-past 11, Court of Bankruptcy, London.—*Charles Muskett*, Diss, Norfolk, chemist, March 16 at 11, Court of Bankruptcy, London.—*George Hart*, Strand, Middlesex, ironmonger, March 16 at 2, Court of Bankruptcy, London.—*George Fyfoot Lyde*, Church-passage, Basinghall-street, London, lace maker, March 16 at

half-past 1, Court of Bankruptcy, London.—*John Gower*, Lawrence-lane, London, warehouseman, March 16 at 12, Court of Bankruptcy, London.—*Richard Curtis*, Southsea, Portsmouth, Southampton, corn merchant, March 16 at half-past 12, Court of Bankruptcy, London.—*Wm. Allaway*, Southport, Lancashire, dentist, March 19 at 12, District Court of Bankruptcy, Liverpool.—*James Gankroger*, *Titus Gankroger*, and *William Slater*, Hebble End Mill, near Hebdenbridge, Halifax, Yorkshire, cotton spinners, March 27 at 12, District Court of Bankruptcy, Leeds.—*Wm. Kinton Gibbs*, Dudley, Worcestershire, grocer, March 19 at half-past 10, District Court of Bankruptcy, Birmingham.—*Joseph Fulford*, Birmingham, Warwickshire, and Great Barr, Staffordshire, maltster, March 19 at half-past 10, District Court of Bankruptcy, Birmingham.—*John Whitmore Jones* and *Thomas Carrier*, Wolverhampton, Staffordshire, hosiery, March 19 at 10, District Court of Bankruptcy, Birmingham.—*John Thomas*, Upton-upon-Severn, Worcestershire, and Ledbury, Herefordshire, draper, March 19 at half-past 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Harvey Meadows*, Warboys, Huntingdonshire, draper.—*Wm. Negus*, Bagnigge-wells-road, Middlesex, victualler.—*F. Humphrey Spanton*, Norwich, Norfolk, innkeeper.—*William West*, London-terrace, Hackney-road, Middlesex, linendraper.—*James Thomas Snow*, Pollen-street, Maddox-st., Hanover-square, Middlesex, butcher.—*Chas. Samuel Sasse*, High-st., Portland-town, Middlesex, baker.—*Thos. Robinson*, Hexham, Northumberland, carrier.—*Elias Warkner*, Ardwick, Manchester, timber merchant.—*John Lowther Ward*, Burnley, Lancashire, cotton spinner.—*Francis Augustus Halton*, Chesterfield, Derbyshire, auctioneer.—*Henry Manille Hitchcock*, Ilkerton, Derbyshire, miller.—*Benj. Scriven*, Birmingham, builder.—*Robert Tull*, Worcester, grocer.

#### SCOTCH SEQUESTRATIONS.

*John Campbell & Sons*, Bowfield, Renfrewshire, bleachers.—*John Campbell*, Glasgow, tailor.—*Robert Cross*, Glasgow, merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Jas. Pugh*, Evesham, Worcestershire, innkeeper, March 16 at 11, County Court of Worcestershire, at Evesham.—*Edw. Joseph Trepas*, Warwick, bricklayer, March 19 at 2, County Court of Warwickshire, at Warwick.—*Abraham Hawkyard*, Huddersfield, Yorkshire, proprietor of a concert room, March 8 at 10, County Court of Yorkshire, at Huddersfield.—*Thomas Smith*, Huddersfield, Yorkshire, manufacturer of woollen cloth, March 8 at 10, County Court of Yorkshire, at Huddersfield.—*John Lawson*, Fletton, Huntingdonshire, servant to the Eastern Counties Railway Company, March 5 at 12, County Court of Northamptonshire, at Peterborough.—*George Cookson*, Rochdale, Lancashire, waste dealer, March 8 at 12, County Court of Lancashire, at Rochdale.—*James Taylor*, Market Rasen, Lincolnshire, horse dealer, March 17 at 11, County Court of Lincolnshire, at Market Rasen.—*John Pitt Bartlett*, Melcombe Regis, Dorsetshire, draper, March 8 at 10, County Court of Dorsetshire, at Weymouth.—*James Tite*, Tiverton, Devonshire, commercial traveller, March 15 at 11, County Court of Devonshire, at Tiverton.—*Henry D. Hughes*, Jackfield, Broseley, Shropshire, barge owner, March 10 at 10, County Court of Shropshire, at Madeley.—*Reuben Feather*, Staveley, Derbyshire, cordwainer, March 14 at 11, County Court of Derbyshire, at Chesterfield.—*Richard Turner*, Strood, Kent, chairmaker, March 8 at 10, County Court of Kent, at Rochester.—*David Fossett*, Brompton, Gillingham, Kent, assistant to a draper, March 8 at 10, County Court of Kent, at Rochester.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 19 at 11, before Mr. Commissioner PHILLIPS.*

*Charles Whittle*, Broadway, Westminster, Middlesex, carpenter.—*Wm. W. Fray*, Newman-street, Oxford-street, Middlesex, out of employ.—*Charles F. Ellerman*, Beaumont-square, Stepney, Middlesex, promoter of railways in England

and France.—*James Thorn*, Mount-street, Grosvenor-square, Middlesex, carpenter.—*John Cornish*, King-street, Camden-town, Middlesex, carpenter.—*James Smith*, Denbigh-street, Pimlico, Middlesex, solicitor.—*James Smith*, Bartholomew-place, Kentish-town, Middlesex, engraver.—*George Augustus Westbrook*, William-street, Waterloo-road, and High-street, Lambeth, Surrey, out of business.—*John Peice*, Thirza-place, Old Kent-road, Surrey, commission agent to a wine merchant.—*Thomas Goddard*, Mill's-buildings, Hayes, Middlesex, omnibus proprietor.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 9 at 10, before the CHIEF COMMISSIONER.*

*Samuel Pearce*, Minorities, London, export oilman.—*Edwin Light*, St. Peter-street, Islington, Middlesex, dealer in isinglass.—*James Turner*, King-street, Long-acre, Middlesex, butcher.—*Thomas Wm. Jones*, King's-row, Cambridge-heath, Middlesex, gas fitter.—*Alexander Stuart*, Queen's-road West, Chelsea, Middlesex, tailor.

*March 9 at 10, before Mr. Commissioner MURPHY.*

*Wm. Lockyer*, King-street, Long-acre, Middlesex, baker.—*James Birch*, Sutton-street, York-road, Lambeth, Surrey, out of business.—*Edward Williams*, Park-street, Dorset-square, Marylebone, Middlesex, plumber.—*William Mayer*, Sun-street, Bishopsgate, London, foreman to a mahogany merchant.

*March 10 at 11, before Mr. Commissioner PHILLIPS.*

*Richard Dalby* the elder, South-grove, Mile-end, Middlesex, out of business.—*Charles Tasker*, Howard-street, Strand, Middlesex, general commission merchant.—*David Harrow*, Brydges-st., Covent-garden, Middlesex, packing-case maker.—*William L. Gilpin*, Northumberland-court, Charing-cross, Middlesex, out of business.—*Charles F. Arundell*, Cork-street, Burlington-gardens, Middlesex, and Hove, Sussex, attorney-at-law.—*John H. Lee*, Newman-street, Oxford-street, Middlesex, teacher of music.

*March 12 at 11, before Mr. Commissioner PHILLIPS.*

*John Mann*, Croydon, Surrey, carrier.—*Edward Wallis*, Devonshire-street, Lisson-grove, Middlesex, leather seller.—*Simoon Morris*, Essex-street, Strand, Middlesex, out of business.—*Charles Lewis*, Preston-street, Maldon-road, Kentish-town, Middlesex, builder.

#### Adjourned Hearing.

*William Parratt Carter*, Harrington-street South, Hampstead-road, Middlesex, barrister-at-law.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Staffordshire, at STAFFORD, March 5 at 12.*

*James Mead*, Moxley, near Bilston, colliery field carpenter.

*At the County Court of Oxfordshire, at OXFORD, March 9 at 10.*

*Wm. Taylor* the younger, Ambroden, grocer.

*At the County Court of Worcestershire, at WORCESTER, March 14 at 10.*

*John Benbow*, Hanley Castle, out of business.

*At the County Court of Kent, at DOVER, March 15 at 11.*

*James W. Hannah*, Dover, of no trade.—*Benj. F. Hannah*, Dover, of no trade.—*Frederick Button*, Hastings, well sinker.—*Wm. Wellsted*, St. Leonard's-on-Sea, stationer.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, March 16.*

*John Jackson*, Kingston-upon-Hull, out of business.

*At the County Court of Monmouthshire, at MONMOUTH, March 16.*

*James P. Chadwick*, Newport, theatrical manager.

#### TUESDAY, FEBRUARY 27.

##### BANKRUPTS.

**THOMAS BOTHELL LAW FORD** and **EDWIN MAITLAND**, George-yard, Lombard-street, London, wine merchants, (trading under the style or firm of Lawford & Maitland), March 9 at half-past 2, and April 17 at 1, Court of Bankruptcy, London: Off. Am. Lee; Sols. Wright & Bonner, 15, London-street, Fenchurch-street, London.—Petition filed Feb. 22.

**HENRY BYSHE**, otherwise **BISH**, Brighton, Sussex, builder, dealer and chapman, March 13 at 11, and April 17 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Freeman & Bothamley, Coleman-street, City.—Petition dated Feb. 24.

**JAMES SPELLER**, Wapping High-street, Middlesex, sail-maker and ship chandler, dealer and chapman, March 13 at half-past 11, and April 4 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Appleton, 17, Abchurch-lane, City.—Petition dated Feb. 20.

**THOMAS HENRY REES**, Aldine-chambers, Paternoster-row, London, printer, publisher, dealer and chapman, March 16 at 12, and April 17 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Upward, 3, Copthall-court, City.—Petition filed Feb. 26.

**JOHN SYKES**, Little Tower-hill, Middlesex, clothier, dealer and chapman, March 9 at 2, and April 17 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Aldridge & Bromley, 1, South-square, Gray's-inn, London; Notcutt, Ipswich, Suffolk.—Petition filed Feb. 21.

**SAMUEL BARNETT**, late of Bennerton-street, Caledonian-road, and now of Waterloo Tavern, Wellington-road, Liverpool-road, Middlesex, builder, dealer and chapman, March 10 and April 13 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Theobald, 16, Fumival's-inn, Holborn.—Petition filed Feb. 22.

**SIMEON KING**, Northampton, boot and shoe maker, dealer and chapman, March 10 at 11, and April 13 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Duignan & Hemmant, Walsall, Staffordshire; Mackeson, 59, Lincoln's-inn-fields.—Petition filed Feb. 16.

**HENRY JOHN BETJEMANN**, New Oxford-street, Middlesex, chair and bedstead manufacturer, dealer and chapman, March 9 at half-past 12, and April 12 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. De Jersey, 2, St. Ann's-lane, London.—Petition filed Feb. 23.

**WILLIAM JOSHUA FISHER**, Brick-lane, Spitalfields, Middlesex, hosiery-draper, dealer and chapman, March 9 at 1, and April 12 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Bristow & Tarrant, Bond-court, Walbrook.—Petition filed Feb. 20.

**GEORGE SELBY**, Ironmonger-lane, London; Birmingham, and Smethwick-grove, near Birmingham; late of Upper Thames-st., London, iron enameller, manufacturer, dealer and chapman, March 9 at half-past 1, and April 21 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Petition dated Feb. 8.

**WILLIAM PALMER**, Aldgate, London, draper, dealer and chapman, March 7 at 1, and April 21 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Sole & Co., 68, Aldermanbury.—Petition dated Feb. 24.

**WILLIAM KEATES**, Uttoxeter, Staffordshire, ironmonger, March 12 and April 2 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Reece, Birmingham.—Petition dated Feb. 23.

**THOMAS FRECK**, Nottingham, grocer, baker, and provision dealer, dealer and chapman, March 13 and April 3 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Coope, Nottingham.—Petition dated Feb. 22.

**GEORGE SIMPSON**, Church Fenton, Yorkshire, chicory merchant, dealer and chapman, March 20 at 1, and April 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Walker, York; Bond & Barwick, Leeds.—Petition dated Feb. 24.

**JOHN WHITTAKER**, Oldham, Lancashire, publican, March 16 and April 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sol. Ascroft, Oldham.—Petition filed Feb. 19.

**JAMES JOHNSON**, Macclesfield, Cheshire, silk dyer, dealer and chapman, March 12 and April 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Wadsworth, Macclesfield; Higson & Robinson, Manchester.—Petition filed Feb. 15.

#### MEETINGS.

**Robert Robinson**, Manchester, provision dealer, March 15 at 12, District Court of Bankruptcy, Manchester, last ex.—**F. Kneal**, Margate, Kent, chemist, March 13 at 12, Court of Bankruptcy, London, and ac.—**Wm. Bowler**, Windsor-terrace, Cooper's-road, Old Kent-road, Surrey, hat manufac-

turer, March 13 at 1, Court of Bankruptcy, London, and ac.—**Jane Warren**, Bristol, haberdasher, March 15 at 11, District Court of Bankruptcy, Bristol, and ac.—**Wm. M'Curran** and **James Scoble Riley**, Liverpool, commission merchants, March 9 at 11, District Court of Bankruptcy, Liverpool, and ac. joint est., and sep. est. of **Wm. M'Curran**.—**Wm. Turner**, Crewkerne, Somersetshire, currier, March 15 at 1, District Court of Bankruptcy, Exeter, and ac.—**George John Jenney**, Barnstaple, Devonshire, bookseller, March 15 at 1, District Court of Bankruptcy, Exeter, and ac.; March 22 at 1, div.—**Thomas Hutchings** and **Wm. Hutchings**, Taunton, Somersetshire, carriers, March 15 at 1, District Court of Bankruptcy, Exeter, and ac.; March 22 at 1, div.—**Joseph B. Godfrey**, Taunton, Somersetshire, coachmaker, March 15 at 1, District Court of Bankruptcy, Exeter, and ac.; March 29 at 1, div.—**John Evans**, Exeter, bookseller, March 15 at 1, District Court of Bankruptcy, Exeter, and ac.; March 22 at 1, div.—**John Ffooks**, Sherborne, Dorsetshire, brewer, March 15 at 1, District Court of Bankruptcy, Exeter, and ac.; March 22 at 1, div.—**R. C. Hopekirk**, Exeter, perfumer, March 15 at 1, District Court of Bankruptcy, Exeter, and ac.; March 29 at 1, div.—**Samuel Gerratt**, Porran Wharf, near Penryn, Cornwall, railway contractor, March 29 at 1, District Court of Bankruptcy, Exeter, and ac.—**Peter Ormerod**, G. Heyworth, Timothy Heyworth, Edmund Bridge, and Robert Crossley, Egypt Mill, near Rawtenstall, Lancashire, cotton manufacturers, March 22 at 12, District Court of Bankruptcy, Manchester, and ac.; March 29 at 12, div.—**Miles Griffith** and **Philip Pearson**, New Bond-street, Middlesex, tailors, March 21 at 2, Court of Bankruptcy, London, fin. div.—**J. Cowderoy**, Hammersmith, Middlesex, omnibus proprietor, March 21 at 2, Court of Bankruptcy, London, fin. div.—**H. Meadows**, Warboys, Huntingdonshire, draper, March 19 at 11, Court of Bankruptcy, London, div.—**Thomas Ratneft**, Cambridge, tailor, March 21 at 11, Court of Bankruptcy, London, div.—**George Newmarch**, Nottingham, hatter, April 3 at 10, District Court of Bankruptcy, Nottingham, and ac. and div.—**Robert Robson** and **John T. Robson**, Derby, silk manufacturers, April 3 at 10, District Court of Bankruptcy, Nottingham, and ac. and div.—**Richard Allcock**, Nottingham, wine merchant, March 20 at 10, District Court of Bankruptcy, Nottingham, and ac. and div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Max Essinger**, Old Change, London, straw hat manufacturer, March 21 at half-past 1, Court of Bankruptcy, London.—**Henry Sheppard**, Salisbury, Wiltshire, grocer, March 20 at half-past 1, Court of Bankruptcy, London.—**G. Heyworth**, Egypt Mill, near Rawtenstall, Lancashire, cotton manufacturer, March 22 at 12, District Court of Bankruptcy, Manchester.—**James P. Deane**, Manchester, merchant, March 22 at 12, District Court of Bankruptcy, Manchester.—**William Waitkman**, Yealand Conyers and Manchester, Lancashire; Higher Bentham and Lower Bentham, Yorkshire; and Holme Mills, and Milnthorpe, and Gate Beck, Westmoreland, flax merchant, March 23 at 1, District Court of Bankruptcy, Manchester.—**Thomas Finchett** and **Wm. Finchett**, Chorlton-upon-Medlock, Manchester, brewers, April 4 at 12, District Court of Bankruptcy, Manchester.

To be granted, unless an appeal be duly entered.

**George Day**, Providence-buildings, New Kent-road, Surrey, builder.—**John L. Pain**, Church-terrace and Aldenham-street, St. Pancras-road, and Acton-place, Bagnigge-wells-road, Middlesex, builder.—**Wm. K. Stock**, Manchester, manufacturer of cotton goods.—**John L. Ward**, Fullege, Burnley Wood, Burnley, Lancashire, cotton spinner.—**James Hope**, Burnley, Lancashire, grocer.—**John B. Joyce**, Burslem, Staffordshire, chemist.—**Ann Wilkinson**, Crosemere, Ellesmere, Shropshire, innkeeper.—**John Fell** and **John Leavroyd**, Huddersfield, Yorkshire, woollen manufacturers.—**John Mitchell**, Morton, Bingley, Yorkshire, worsted spinner.

#### PETITION ANNULLED.

**John Bradbury**, Moseley-road, Worcestershire, dealer in copper ores.

#### SCOTCH SEQUESTRATIONS.

**John Keith & Son**, Glasgow, booksellers.—**James Watson Finlay**, Edinburgh, printer.—**John Barr & Co.**, Chapellfield, Renfrewshire, bleachers.—**Andrew Symington**, Carmichael, Lanarkshire, farmer.—**The New Cumnock Iron Company**,

New Cumnock, Ayrshire; Paialey, Renfrewshire; and Glasgow, Lanarkshire, ironfounders.—*John Lawson & Co.*, Paisley, calico printers.

### INSOLVENT DEBTORS

*Who have fled their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Baker*, Scarborough, Yorkshire, innkeeper, March 21 at 11, County Court of Yorkshire, at Scarborough.—*Joseph Darvall*, Reading, Berkshire, attorney-at-law, March 13 at half-past 10, County Court of Berkshire, at Reading.—*John Bouch*, Allonby, Cumberland, spirit dealer, March 23 at 10, County Court of Cumberland, at Wigton.—*Joseph Bulmer*, Derby, plumber, March 17 at 12, County Court of Derbyshire, at Derby.—*James Dickison*, Derby, cabinet maker, March 17 at 12, County Court of Derbyshire, at Derby.—*Jas. Robinson*, Roughlee, within Pendle Forest, Lancashire, cotton spinner, March 21 at 11, County Court of Lancashire, at Colne.—*James Rowlands*, Wellington, Shropshire, beer-shop keeper, March 9 at 10, County Court of Shropshire, at Wellington.—*John Horne*, Stoke Hammond, Buckinghamshire, retailer of beer, March 14 at 12, County Court of Bedfordshire, at Leighton Buzzard.

*The following Persons, who, on their several Petitions fled in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 13 at 10, before the CHIEF COMMISSIONER.*

*James Brooks*, London-st., Kingston-on-Thames, Surrey, builder.—*Thos. Wm. Jones*, Great Titchfield-street, Oxford-street, Middlesex, baker.—*Wm. Blay Harris*, Jermyn-street, St. James's, Middlesex, assistant at a club-house.—*John A. M'Leilan*, Conduit-st., Regent-street, Middlesex, lodging-house keeper.—*Henry White*, Wigmore-street, Cavendish-square, Middlesex, plumber.—*Henry Ascott* the younger, Southampton-street, Strand, Middlesex, waiter.

*March 14 at 10, before the CHIEF COMMISSIONER.*

*Edwin Minter*, Eversholt-street, Oakley-square, Camden-town, Middlesex, upholsterer.—*Joseph Osborn*, Little Saffron-hill, Middlesex, milk dealer.

*Saturday, Feb. 24.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*George Cummins*, Windmill-place, High-street, Camberwell, Surrey, out of business, No. 64,796 T.; *Wm. Corner*, assignee.—*Thos. Price*, Pill, Easton, Gordano, Somersetshire, licensed victualler, No. 79,248 C.; *Thomas David Taylor*, assignee.

*Saturday, Feb. 24.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Samuel Lyons*, Union-street, Spitalfields, Middlesex, cap-trimming seller: in the Debtors Prison for London and Middlesex.—*Benjamin John Bewick*, Chelms-mews, Tottenham-court-road, Middlesex, coachsmith: in the Debtors Prison for London and Middlesex.—*Alfred Bosall*, Denmark-street, Camberwell, Surrey, gauger in her Majesty's Customs: in the Debtors Prison for London and Middlesex.—*Frederick Brain*, Albany-road, Old Kent-road, Surrey, manufacturer in ivory: in the Debtors Prison for London and Middlesex.—*Isabella Larousse*, Sloane-st., Chelsea, Middlesex, milliner: in the Debtors Prison for London and Middlesex.—*George Hill* the younger, Church-row, Upper-street, Islington, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Edward Hammond*, Moore-street, Soho, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Joseph Holder*, Warren-street, Fitzroy-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Baker Blackmann*, Hippodrome, Kensington, Middlesex, out of business: in the Queen's Prison.—*James Slimon*, Canterbury-place, Beresford-st., Walworth, Surrey, woollendrapers: in the Gaol of Surrey.—*Edmund J. Burman*,

Lansdown-road, Notting-hill, Middlesex, consulting surgeon: in the Debtors Prison for London and Middlesex.—*George Whalley*, Argyle-street, New-road, St. Pancras, Middlesex, attorney-at-law: in the Debtors Prison for London and Middlesex.—*H. Else*, Buckingham-place, Victoria-road, Fimlico, Middlesex, shopman to a jeweller: in the Debtors Prison for London and Middlesex.—*Charles Wm. Palmer*, Belvedere-road, Lambeth, Surrey, labourer at a soap factory: in the Gaol of Surrey.—*Cornelius Alfred Jaquin*, Monkwell-street, London, manufacturer of buttons: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*Thomas Brown*, Great Guildford-street, Surrey, brass-founder: in the Queen's Prison.

*(On their own Petitions).*

*Edward Williams*, Commes, Montgomeryshire, general-shop keeper: in the Gaol of Montgomery.—*Frederick Bulton*, Hastings, Sussex, well sinker: in the Gaol of Dover.—*Joseph Raistrick*, Little Horton, Yorkshire, out of business: in the Gaol of York.—*William Halliday*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Joshua Coop*, Manchester, auctioneer: in the Gaol of Lancaster.—*James Duncan*, Newcastle-upon-Tyne, draper: in the Gaol of Newcastle-upon-Tyne.—*Wm. Feaster Miller*, Beverley, Yorkshire, farrier: in the Gaol of York.—*W. Hepworth*, Wakefield, Yorkshire, innkeeper: in the Gaol of York.—*Vincent Moron*, Hunslet, Yorkshire, bookkeeper: in the Gaol of York.—*Samuel H. Barrow*, Kennington House, Lower Kennington-lane, Surrey, attorney: in the Gaol of Dover.—*John Hope Lowndes*, Manchester, agent: in the Gaol of Manchester.—*Alfred Nelson Wickes*, Dover, Kent, parish clerk: in the Gaol of Dover.—*George Beech*, Bream Newland, Gloucestershire, miner: in the Gaol of Gloucester.—*George Minifie*, Great Malvern, Worcestershire, baker: in the Gaol of Worcester.—*William Wells*, Buckingham, out of business: in the Gaol of Aylesbury.—*John W. Shelbourn*, Kingston-upon-Hull, bailiff: in the Gaol of Kingston-upon-Hull.—*Joseph Kershaw*, Lees Brook, near Oldham, Lancashire, chemist: in the Gaol of Lancaster.—*James Griffies*, Brownlow Broxton, Cheshire, builder: in the Gaol of Chester.—*Joseph Thomas*, Great Yarmouth, Norfolk, out of business: in the Gaol of Norwich.—*Daniel Addison*, York, out of business: in the Gaol of York.—*Frederick W. Roberts*, Dover, Kent, out of employ: in the Gaol of Dover.—*John Prest*, York, out of business: in the Gaol of York.—*Jeremiah Turley*, Manchester, out of business: in the Gaol of Lancaster.—*Wm. Coomer* the elder, Newcastle-under-Lyne, Staffordshire, blacksmith: in the Gaol of Stafford.—*George G. Griffith*, Worcester, attorney's clerk: in the Gaol of Worcester.—*James Hudson*, Kingston-upon-Hull, draper's assistant: in the Gaol of Kingston-upon-Hull.—*Edmund Hopkins*, Leeds, Yorkshire, fahmonger: in the Gaol of York.—*Frederick Barnby*, York, out of business: in the Gaol of York.—*Frederick Rogers*, York, out of business: in the Gaol of York.—*Wm. Carvell* the younger, Coventry, Warwickshire, tailor: in the Gaol of Warwick.—*P. Pritchard*, King's Norton, Worcestershire, commercial traveller: in the Gaol of Warwick.—*Ellen Morris*, Coleham, near Shrewsbury, Shropshire, shopkeeper: in the Gaol of Shrewsbury.—*Wm. Morris*, Coleham, near Shrewsbury, Shropshire, labourer: in the Gaol of Shrewsbury.—*George Blackman*, Dover, Kent, out of business: in the Gaol of Dover.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 13 at 10, before the CHIEF COMMISSIONER.*

*Edward Hodges*, Middlesex-place, New-road, St. Marylebone, Middlesex, commission agent.—*Bernard Lintott*, Great Tower-street, London, dealer in wines.—*Johnson Wood*, Mintern-street, Hoxton, Middlesex, commission agent.—*G. Pavitt*, Church-row, St. George's-in-the-East, Middlesex, policeman.—*Benjamin Crosby*, Tenison-street, Belvedere-road, Lambeth, Surrey, grocer.—*Henry Pass*, Baker-street, Bagnigge-wells-road, Clerkenwell, Middlesex, builder.

*March 13 at 10, before Mr. Commissioner MURPHY.*

*Richard Spinks*, Shaftesbury-crescent, Fimlico, Middlesex, builder.—*Wm. Julius*, Great Saffron-hill, Clerkenwell, Middlesex, baker.—*James Venn*, Great George-street, Bermondsey, Surrey, shoemaker.

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## THE JURIST.

LONDON, MARCH 10, 1855.

THE "cold shade of aristocracy," which is said to fall upon our civil and military departments, is not altogether absent from the legal profession. It is often asserted, that, as a general rule, success attends the industrious, able, learned lawyer, whatever may be his want of fortune or of family; while incapacity, indolence, and ignorance are soon discovered, and fall from their inherent weakness, although they may attach to wealth and station. Applied to *practising* lawyers, this is a tolerably accurate view, (not, however, without many painful exceptions); the real, working, public part of the Profession tries the man; and clients are seldom so hardy or so foolish as to intrust their dearest interests to an incompetent attorney or advocate after he has proved his incompetency. It must also be admitted, that the judges of our superior courts are generally the right men for the office; the appointment of them is a matter of such interest to the public and the Profession—so fully canvassed, and attended by such important results upon the administration of justice—that the influence of family connexions, or college friendships, or past or future favours, dares not often to intrude upon these occasions. There are, however, pleasant, snug appointments, every now and then turning up, of a more limited and private character, exciting little interest beyond the district for which the appointment is made—comparatively easy berths, with good salaries—to be distributed among lawyers. The question is now no longer with clients, who look after their

own interests, or with offices guarded by the vigilance of the press and public opinion, but with such appointments as may be dealt with quietly and safely. Let it not, however, be supposed that they are unimportant in their consequences to the public. No office connected with the exercise of judicial functions can be otherwise than of public importance. How are these appointments made? Are they given to the hard-working, clear-headed, industrious men who have gained the confidence of many by their skill, their learning, and their experience, and to whom such offices would be fitting rewards, as well as material aids in their laborious career? The value to the public of such men—the proper men for the proper places—can scarcely be estimated. But all such considerations are overlooked in favour of some connexion, some claim, some friendship, or some mysterious influence with the powers that be. Men utterly unknown to the public, scarcely known even by name to the Profession, are made county court judges, stipendiary magistrates, recorders, and revising barristers—for what reason no one upon earth, except the appointor and appointee and their friends, can tell. It may sometimes be guessed by the name of the party, or his connexion, proximate or remote, with another name. If the gross jobbing of such transactions were not sad and disastrous in the extreme, it would be ludicrous in its aspect and consequences. Men not only unfit, but the *most* unfit, are all at once placed on the judgment seat. If the Hon. A. B. happens to have had his name in the Law List as a Chancery barrister, make him a stipendiary magistrate or recorder, who has nothing to do with any law but criminal law. If the cousin of Lord C. D. knows one thing, and that one

thing happens to be criminal law, make him a county court judge, who has no jurisdiction over crimes; and so on through the catalogue.

Extraordinary notions of another character sometimes influence those in office, who have the patronage of law appointments. Acting conscientiously, they feel disinclined to bestow their favours on their own relatives, and turn a deaf ear to the voice of friendship. They fear public opinion; they are alarmed lest the capacity of their relatives or their friends should be called in question. But let some candidate present himself backed by "political influence," it matters little how incapable he may be, or how little fit to discharge, either with credit to himself or with satisfaction to the public, the duties of the appointment, "political influence" carries the day; and the virtuous patron, who has withstood the claims of kith and kin, yields to the paramount influence of "politics."

They who have the power of appointment in these cases are highly culpable for its frequent perversion and abuse. We hope that the time will come when they, together with other authorities, will be called to account for their violation of a sacred trust.

#### NOTES OF THE WEEK.

It is stated by the reporter for the Norfolk Circuit, that in the calendar for Aylesbury the value of the articles alleged to have been stolen is, in all the instances, below that which is the standard proposed in Lord Cranworth's bill, namely, 10s. He then asks, "What test is to be applied in order to arrive at the value of stolen property? Is it to be the sworn judgment of an independent valuer? or is it to be the discretion of the prosecutor, backed by some sympathising policeman? Unless it be the former," he adds, "it will be almost in the power of any unscrupulous prosecutor to take the law, as it were, into his own hands; for very few persons of the class among which prisoners are found will understand the 'right of option' to be extended to them by the bill, any more than now they do the distinction between asking a question and making their defence."

#### Reviews.

*The New Common-law Procedure under the Procedure Acts of 1852 and 1854, and the New Rules on Practice and Pleading, with Forms, Tables of Fees, Costs, &c.; to which are added an Introduction to the Equitable Jurisdiction of Courts of Law, the Evidence Amendment Statutes, and copious Index.* By PHILIP FRANCIS, Esq., of the Middle Temple, Barrister at Law. [W. Maxwell. 1854.]

*The Common-law Procedure Act, 1854; with Practical Notes; an Introduction, explaining the Nature and Extent of the Equitable Jurisdiction conferred on the Superior Courts of Common Law, the Changes effected in the Law of Evidence, and the Alterations in Practice introduced by the Statute; and a copious Index.* By ROBERT MALCOLM KERR, Barrister at Law. [Butterworths. 1854.]

*The Common-law Procedure Act, 1854; with Treatises on Injunction and Relief.* By H. T. HOLLAND and T. CHANDLESS, Jun., Barristers at Law. Also, a *Treatise on Inspection and Discovery.* By C. E. POLLOCK, Barrister at Law; together with *Notes, Cases, Index, and the New Rules and Forms of Michaelmas Vacation, 1854.* [S. Sweet. 1854.]

THE Common-law Procedure Acts, having worked

great practical changes in our system of jurisprudence, and forming in themselves a new code of practice and pleading in the courts of common law, have found many editors, as well as readers, of their provisions. In addition to the three books whose titles are given above, and which we must content ourselves with reviewing on the present occasion, we have just received Mr. Finlason's "Common-law Procedure Acts of 1852 and 1854, with Notes, the New Rules framed under both, and an Introduction;" and Mr. Mayne's "Treatise on Equitable Defences and Replications."

Mr. Francis has kindly, and we think wisely, sheltered under one roof the Procedure Acts of 1852 and 1854, those "twin sisters," together with their respective progenies—the practice and pleading rules of Hilary Term, 1853, and of Michaelmas Vacation, 1854. His book contains also a brief introduction to the equitable jurisdiction conferred upon Courts of law, and the evidence amendment statutes, (14 & 15 Vict. c. 99, and 16 & 17 Vict. c. 83), rendering parties to a cause, and the husbands and wives of parties, competent witnesses. These latter statutes are added as "forming 'an important part of the reform of common-law procedure during the last few years.'" (Preface). Decisions of recent date are noted under the sections to which they refer, and there are copious extracts from the Reports of the Common-law Commissioners. The editor assumes that sect. 68 has given "a means at 'common law of enforcing specific performance of a 'contract or duty in matters concerning private rights,' (p. 258), which, to say the least of it, is extremely doubtful\*"; and states that the intent of the section (sect. 83) allowing equitable defences is, that whenever relief in equity would be granted to either party by injunction, perpetual or *conditional*, to stay proceedings at law, the same grounds shall afford a defence in courts of law. The Court of Exchequer, however, in *The Mines Royal Societies v. Magnay*, (18 Jur., part 1, p. 1028), has decided that it is only where the grounds are such as to entitle the party to a *perpetual* injunction that they can be pleaded under this section. That this was the intention of the learned commissioners is clear by the extract given from their report at p. 260 of this book, where they say, "We think that Courts 'of common law ought to be empowered to receive 'such defences by way of plea in every case in which 'the party pleading them would be entitled to *unconditional* relief by injunction.'"

Mr. Francis points out (p. 270) that the arbitration clauses in the act have removed the objection to Courts of law entertaining questions of complex accounts; but it is very doubtful whether the objection to partners suing each other at law in respect of a partnership matter is obviated.

Mr. Kerr begins with an introduction of ten chapters, a subdivision of the subject adopted "solely with a 'view to precision and brevity.'" (Preface). They contain an outline of the following subjects:—1. Specific performance, (which he thinks may probably be enforced with regard to contracts). (P. x). 2. Injunction. 3. Discovery. 4. Equitable defences. 5. Proceedings on the trial of issues of fact. 6. Proceedings after the trial. 7. Execution by the attachment of debts. 8. Summary proceedings in court, (affidavits, &c.) 9. Evidence. 10. Amendments in the procedure of the Courts, (new trials, revivor, ejectment, and execution). The act is then given, with notes appended to the different sections. The stat. 17 & 18 Vict. c. 34, for compelling the attendance of witnesses from any part of the United Kingdom, and a full index, complete the work.

The ten chapters to which we have referred describe the state of the law as it existed at the time of the

\* See the article upon this subject, 18 Jur., part 2, p. 497.

passing of the statute upon those subjects which are affected by it, and point out the changes which are certain or likely to ensue from its provisions. This is done for the most part in the clear and forcible language of the Common-law Commissioners, which no doubt affords on occasions a key to the language of the act, but which rather shews what was intended to be done than what has actually been done. In a recent case in the Exchequer two learned judges protested against the report being cited in argument for the purpose of construing the statute. (*Martin v. Hemming*, 18 Jur., part 1, p. 1002).

Mr. Kerr points out the blunder committed by the Legislature in the 88th section, which enacts, that the Courts of law may, upon summary application, exercise the same jurisdiction as may, under the 53 Geo. 3, c. 159, intituled "An Act to limit the Responsibility of Shipowners in certain Cases," be exercised by any Court of equity; the fact being, that the day before the passing of the Procedure Act of 1854, the Merchant Shipping Act, 1854, had received the royal assent, and had entirely repealed the stat. 53 Geo. 3, c. 159. Under the latter statute, therefore, the Court of Chancery had then no jurisdiction in the matter, although it had under the Merchant Shipping Act, 1854, which vested afresh in the Court of Chancery the jurisdiction it had previously exercised. (See sects. D. iii—D. vi, D. xv).

We think Mr. Kerr is incorrect in stating that the 18th section, altering the rules of practice respecting the addresses of counsel to a jury, does not extend to a trial before a judge without a jury, (Pref. vii, and also p. 14), because by the 1st section of the act it is enacted, that "the proceedings upon and after such trial, (i. e. before a judge alone), as to the power of the court or judge, the evidence, and otherwise, shall be the same as in the case of trial by jury."

We regret to find that Mr. Kerr, when commenting upon the arbitration clauses, (p. xxxi), has cast a grave and sweeping imputation upon his professional brethren. "A reference," he says, "if made to a lawyer appointed by the parties, may nevertheless continue to be the tedious, expensive, and unsatisfactory proceeding which it has hitherto been; for the costs to be incurred in three months may easily be made to exceed the value of the subject-matter in dispute. Any party to an action on whom an arbitration is forced should therefore leave the reference to be made to an officer of the court, or to a county court judge. Neither will have any interest to prolong the proceedings by frequent adjournments; and the conduct of either, if faulty, may be brought before the Court; while the parties to the action have in the position of the arbitrator some guarantee for the proper conduct of the reference."

In direct contradiction to Mr. Kerr, we maintain, and we do so with some practical experience on the subject, that references to lawyers are far more satisfactory than references to county court judges or to the Masters of the courts. If it is a mere question of taxation of an attorney's bill, by all means refer it to a Master, who is better qualified than any one else to decide such matters. Meetings under a reference should be at short intervals from each other, and reasonably long in point of duration. The Masters, as well as the county court judges, however, are much employed in the exercise of their proper functions, and can seldom afford the time required to carry on references in a proper manner. From these causes, as well as from others which we need not now specify, we have known such references prove most tedious, expensive, and in several instances utterly abortive. We deny that lawyers prolong meetings for their own interest. Sometimes it is necessary to do so for the real interest of their clients; sometimes it is the fault of their clients and their witnesses. That there are exceptions to this observation we do not deny, but we are happy to know that they

are comparatively rare. For honesty and fairness the awards of lawyers are above suspicion.

The work of Messrs. Holland and Chandless is introduced by an able and useful treatise on Inspection and Discovery, by Mr. Charles Edward Pollock. This is in effect a new edition of his former work on the same subject, with the addition of later cases, and observations on the extended powers given by the last Procedure Act. It therefore includes the law relating to discovery, both by the inspection of documents and by the delivery of interrogatories. The subject is subdivided, so as to comprehend inspection at common law, and also under the stats. 14 & 15 Vict. c. 98, and 17 & 18 Vict. c. 125. The doctrine of discovery in equity is fully considered and clearly stated. This is succeeded by a treatise upon injunctions in equity and under the Procedure Act of 1854, containing the leading cases which have been decided upon the subject, alphabetically arranged. Then follow observations upon relief in equity, and, under the act, embracing equitable defences, upon which the editors express an opinion that has been subsequently confirmed by the Court of Exchequer in the case above cited, viz. "That 'it was not intended to include cases in which cross 'equities would arise, but to confine the jurisdiction of 'the Courts of common law to that broader and more 'simple class of cases in which a Court of equity would 'feel itself at liberty to give 'perpetual' relief against 'a judgment unlogged by any conditions or stipulations.'" (P. 165).

The statute itself is then given, and the notes to the respective sections are carefully written, being suggestive rather than dogmatic in their character.

We especially refer to the note appended to the 68th section, to which the editors give a more limited, but probably a more correct, construction than has generally been adopted, being of opinion that it alters the machinery by which a mandamus is obtained, but does not confer upon common-law Courts any power of enforcing specific performance of a contract\*.

The act 53 Geo. 3, c. 159, above referred to, is inserted in the appendix, probably by an oversight, although it is stated on the fly-leaf at the commencement to have been repealed, and in fact re-enacted by the stat. 17 & 18 Vict. c. 120. The Rules of Michaelmas Vacation, 1854, and a full analytical index, complete the work.

In reviewing these books our object has not been to compare their relative merits, but rather to give an outline of their contents, and to call the attention of our readers to some of their principal features.

## THE LAW OF BLOCKADE.

(Continued from p. 54).

"During the short peace consequent on the treaty of Amiens, in 1802, France reverted to her policy of monopolising the trade of her colonies, and thus shut their ports against all vessels but her own. When, however, the war was in the following year resumed, she repeated her former invitation to neutral vessels, and thus resigned her colonial trade into the hands of nations not at war with this country, and which under the cover of their neutrality indirectly promoted that trade and commerce which France herself, from her maritime weakness and fear of capture of her convoys, was incapable of assisting. Thereupon the English Government published instructions which subjected to seizure all vessels carrying on trade between the colonies of France and any country save the mother country of the neutral trader; and the judge of our Prize Court (Lord Stowell) did not hesitate to enforce those in-

\* See vol. 18, part 2, p. 497.



structions; and moreover, that eminent American jurist, Chancellor Kent, although the practice strongly conflicted with the commercial interests of his own country, and was directly at variance with the principle of 'freedom of ship freedom of goods,' did not hesitate to say, 'To me the rule of 1766 seems one of the most moderate and unobjectionable of belligerent claims.'

"When the kingdom of Hanover was, in 1806, taken possession of by Prussia, at the instigation of Napoleon Buonaparte, a proclamation, emanating ostensibly from the King of Prussia, but virtually the act of Buonaparte himself, was put forth declaring 'the ports of the North Sea, as well as the rivers flowing into it, closed against British shipping and commerce, as they were at the time when the French troops occupied Hanover.' As a measure of retaliation, the English Government declared the mouths of the rivers Ems, Weser, and Elbe blockaded, and also laid an embargo on all Prussian vessels and property in the ports of Great Britain. Less than a month afterwards another more comprehensive order was issued, extending the blockade to all ports between the Elbe and Brest, thus including the ports of Holland, those of Prussia on the German Ocean, and the whole sea-board of France. This was derisively styled 'the paper blockade.' Hence resulted the Berlin and Milan decrees of Buonaparte, and the Orders in Council of the British Government, put forth, the former in 1806, the latter in 1807, the combined effect of which for a time paralysed the industrial energies and all but annihilated the trade of Great Britain.

"After being in force for nearly five years, the Orders in Council were rescinded, in consequence of their manifest disastrous results having been incontrovertibly proved by evidence taken before the House of Commons, and so clearly and forcibly demonstrated by Lord (then Mr.) Brougham in his well-known speech in Parliament.

"The history of these Orders in Council is thus briefly but graphically given in the *Edinburgh Review* for July, 1812:—'These Orders in Council took their origin in a decree promulgated by Buonaparte, at Berlin, on the 21st November, 1806, by which, in the usual style of that personage, he declared the United Kingdom to be in a state of blockade; that all commodities of English origin, or belonging to Englishmen, were good prize; and that no ship from England or her colonies, or which should have touched there, should be admitted into any harbour belonging to France or occupied by her troops. This bravado was followed on our part by an Order in Council dated the 9th January, 1807, by which we interdicted neutrals from the whole coasting trade from one part of France to another; and in November, 1807, a series of new orders was promulgated, by which we declared that we would permit no trade with France and her dependencies except through England; all neutrals bound to those countries being required, in the first instance, to touch at our ports, and pay a duty to our Government; and that every vessel which had a certificate of origin on board should be declared lawful prize. To which extraordinary edict France finally replied by what has been called the Milan decree, declaring in substance that any vessel which in any way submitted to our orders of the 11th November, or which had been searched in the course of her voyage by an English cruiser, should be considered as lawful prize. This is the sum of these unprecedented State documents; and the consequence was, that between the French decrees and the English orders all neutral trade was effectually annihilated.'

"The effect of these decrees of Buonaparte and the orders of the British Government did not bear alone upon the commerce of England, or even of Europe. Their baneful influence extended across the Atlantic. The United States of America, finding their maritime

trade which they had carried on with neutral ports closed, or rendered highly dangerous from fear of the capture of their merchantmen, or confiscation of their merchandise, at the hands of both France and England, passed an act forbidding all friendly intercourse with either of these countries so long as their restrictive measures remained in force. This induced the English Government to rescind its orders, so far as regarded American vessels and their cargoes of American property. That relaxation, however, was based on the proviso that the Government of the United States should no longer close their ports against our vessels either of war or commerce. Before, however, these concessions were known in America, that country had already declared war with Great Britain, mainly on the ground of her offensive Orders in Council; but the right of search of American vessels for British seamen, claimed and enforced by Great Britain, was a powerful stimulant in provoking feelings of hostility. The right of search has always been a subject of contest and dispute; it is but natural that every nation should consider it an indignity to have its vessels stopped in their course, and overhauled under suspicion of having contraband articles on board, whether in the shape of merchandise or human beings; although it consists with reason, as well as with the recognised law of nations, that in time of war belligerents must insist upon that right, if they would prevent their enemy from receiving from neutrals, or by their agency, warlike implements or materials.

(To be continued).

#### LIST OF SHERIFFS AND UNDER-SHERIFFS, WITH THEIR DEPUTIES AND AGENTS, FOR 1855.

\* \* Warrants are not granted in town for those places marked (\*). The term of office of the sheriffs, &c., for cities and towns, expires on the 9th November. Office hours—in Term, from 11 till 4; in Vacation, from 11 till 3.

**Bedfordshire**—J. S. Leigh, Esq., Luton Hoo, Bedfordshire.

*Undershs.*, { Charles Addington Austin, Esq., Luton, Bedfordshire.  
G. T. Taylor, Esq., 18, Featherstone-buildings, A. U.

*Dep.*, G. T. Taylor, Esq., 18, Featherstone-buildings.

**Berkshire**—Henry Elwes, Esq., Marham Park, Abingdon.

*Undershs.*, { Thos. H. Grayham, Esq., Abingdon.  
John J. Blandy, Esq., Reading, A. U.

*Deps.*, Gregory, Gregory, Skirrow, & Rowcliffe, 1, Bedford-row.

**Berwick-upon-Tweed**—Thomas Bogue, Esq., Marygate, Berwick-upon-Tweed.

*Undershs.*, { James Call Weddell, Esq., Palace Avenue, Berwick-upon-Tweed.  
R. Wilson, Esq., 3, King's-road, Bedford-row, A. U.

*Deps.*, Pringle, Shum, Wilson, & Crossman, 3, King's-road, Bedford-row.

**\* Bristol**—Robert Phippen, Esq., Church House, Westminster, Bristol.

*Undersh.*, W. O. Hare, Esq., Small-street, Bristol.

*Deps.*, Bridges, Mason, & Bridges, 23, Red Lion-sq.

**Buckinghamshire**—P. D. P. Duncombe, Esq., Brickhill Manor, Fenny Stratford.

*Undersh.*, William Powell, Esq., Newport Pagnell.

*Dep.*, S. Boley, Esq., 1, Lincoln's-inn-fields.

**Cambs. and Hunts**—Sir William Mason Booth, Bart., Woodbury Hall, Gamlingay, Cambridgeshire.

*Undershs.*, { George De Vins Wade, Esq., Baldock, Hertfordshire.  
G. F. Maule, Esq., Huntingdon, A. U.

*Dep.*, G. L. P. Eyre, Esq., 1, John-st., Bedford-row.

**\* Canterbury**—John George Drury, Esq., Canterbury.

*Undersh.*, Robert Sankey, Esq., Canterbury.

*Deps.*, Richardson & Talbot, 47, Bedford-row.

**Cheshire**—John Chapman, Esq., Hill End, Mottram in Longendale, Cheshire.

*Undersh.*, { Thomas Jenson, Esq., Stockport.  
John Hestage, Esq., Chester. A. U.

*Depts.*, Chester, Toulmin, & Chester, 11, Staple-inn.

\***Chester**—John Hicklin, Esq., Chester.

*Undersh.*, John Hestage, Esq., Chester.

*Depts.*, Chester, Toulmin, & Chester, 11, Staple-inn.

\***Cinqus Ports**—The Most Noble James Andrew Marquis of Dalhousie.

*Undersh.*, Thomas Pain, Esq., Dover.

*Depts.*, Kingsford & Dorman, 23, Essex-st., Strand.

\***Cornwall**—W. H. Pole Carew, Esq., East Antony, Cornwall.

*Undersh.*, Henry T. Smith, Esq., Devonport.

*Dep.*, William Harris, Esq., 5, Stone-buildings, Lincoln's-inn.

**Cumberland**—Thomas Story Spedding, Esq., Mirehouse.

*Undersh.*, Edward Bowe Steel, Esq., Cockermouth.

*Depts.*, Bischoff, Cox, & Bompas, 19, Coleman-st.

\***Derbyshire**—Peter Arkwright, Esq., Willersley Castle.

*Undersh.*, John James Simpson, Esq., Derby.

*Depts.*, Taylor & Collinson, 28, Great James-street, Bedford-row.

**Devonshire**—Thomas Daniel, Esq., Stoodleigh.

*Undersh.*, Thomas Edward Drake, Esq., Exeter.

*Depts.*, Buckley & Philbrick, 39, Basinghall-street.

**Dorsetshire**—Robert Williams, Esq., Bridehead, Dorsetshire.

*Undersh.*, Charles Bart Hanning, Esq., Dorchester.

*Dep.*, Sydney Bealy, Esq., 1, Lincoln's-inn-fields.

\***Durham**—R. Sartees, Esq., Redworth House, Darlington, near Durham.

*Undersh.*, Wm. Emerson Wooler, Esq., Durham.

*Depts.*, Whitlock & De Gex, 14, Suffolk-street, Pall-mall.

**Essex**—John Wallington Perry Watlington, Esq., Moor Hall, Harlow, Essex.

*Undersh.*, { Joseph Jessop, Esq., Waltham Abbey, Essex.  
Gepp & Voley, Chelmsford, Essex. A. U.

*Depts.*, Hawkins, Bloxam, & Hawkins, New Boswell-court.

\***Exeter**—Thomas G. Norris, Esq., Southernhay, Exeter.

*Undersh.*, E. Force, Esq., Deanery-place, Exeter.

*Dep.*, W. Harris, 5, Stone-buildings, Lincoln's-inn.

\***Gloucestershire**—Corbett Holland Corbett, Esq., Hadmington Hall, near Stratford-upon-Avon.

*Undersh.*, J. Burrup, Esq., Berkeley-street, Gloucester, (firm of Burrup & Son).

*Dep.*, G. P. Witton, Raymond-buildings, Gray's-inn.

\***Gloucester**—George Samuel Wintle, Esq., Gloucester.

*Undersh.*, Wm. Mathews, Esq., 15, College-green, Gloucester.

*Dep.*, W. C. Smith, Esq., 31, Lincoln's-inn-fields.

**Hampshire**—The Hon. Sir Edward Butler, Knight, Harefield House.

*Undersh.*, Robert Harfield, Esq., Southampton.

*Depts.*, Messrs. Braikenridge, 10, Bartlett's-buildings.

**Herefordshire**—Francis Richard W. Prosser, Esq., Belmont, near Hereford.

*Undersh.*, Richard Underwood, Esq., Hereford.

*Dep.*, C. Appleyard, 1, New-square, Lincoln's-inn.

**Hertfordshire**—Nathaniel Hibbert, Esq., Manden, Watford.

*Undersh.*, Longmore, Sworder, & Longmore, Hertford.

*Depts.*, Hawkins, Bloxam, & Hawkins, New Boswell-court.

**Hunts. & Camb.**—Sir Williamson Booth, Bart., Woodbury Hall, Gamlingay.

*Undersh.*, { G. De V. Wade, Esq., Baldock, Herts.  
G. F. Maule, Esq., Huntingdon. (Jointly and severally).

*Depts.*, Trinder & Eyre, 1, John-st., Bedford-row.

**Kent**—Sir Walter Charles James, Bart., Betshanger, near Sandwich.

*Undersh.*, Wm. Woodgate, Esq., 32, Lincoln's-inn-fields.

*Depts.*, Palmer, Palmer, & Bull, 24, Bedford-row.

\***Kingston-upon-Hull**—J. Gee, Esq., Cottingham, near Hull.

*Undersh.*, John Earnshaw, Esq., Hull.

*Dep.*, Z. Brooke, Esq., 3, New Boswell-court.

**Lancashire**—John Pamberton Heywood, Esq., Norris Green, near Liverpool.

*Undersh.*, { Wm. Wood, Esq., Liverpool.  
Wilson, Son, & Deacon, Preston. A. U.

*Depts.*, Risdale & Craddock, 5, Gray's-inn-square.

\***Leicestershire**—William Ward Tailby, Esq., Carlton Curlien, Leicestershire.

*Undersh.*, Samuel Berridge, Esq., Leicester.

*Dep.*, G. J. Robinson, Esq., 35, Lincoln's-inn-fields.

\***Lichfield**—John Coxon, Esq., Freeford Farm.

*Undersh.*, John Philip Dyott, Esq., Lichfield.

*Depts.*, Baxter & Co., 48, Lincoln's-inn-fields.

**Lincolnshire**—George Skipworth, Esq., Moortown House.

*Undersh.*, { George Marria, Esq., Caistor.  
H. Williams, Esq., Lincoln. A. U.

*Depts.*, Coverdale, Lee, & Purvis, 4, Bedford-row.

**Lincoln**—Charles Doughty, Esq., Lincoln.

*Undersh.*, Richard Mason, Esq., Lincoln.

*Depts.*, Taylor & Collinson, 28, Great James-street, Bedford-row.

**London**—Henry Mugeridge, Esq., St. Andrew's-hill.

*Undersh.*, Frederick Farrar, Esq., Godliman-street, Doctors' Commons.

*Dep.*, Secondaries Office, Basinghall-street.

**Middlesex**—Charles D. Crosley, Esq., Sun-court, Cornhill.

*Undersh.*, A. Crosley, Esq., 84, Lombard-street.

*Depts.*, Burchell & Hall, Red Lion-square.

\***Monmouthshire**—J. Russell, Esq., Wylands, near Chepstow.

*Undersh.*, H. J. Davis, Esq., Newport, Monmouthshire.

*Depts.*, Few & Co., 2, Henrietta-st., Covent-garden.

\***Newcastle-upon-Tyne**—Edward N. Grace, Esq., Newcastle-upon-Tyne.

*Undersh.*, R. Y. Green, Esq., Newcastle-upon-Tyne.

*Dep.*, J. Crowdy, Esq., 17, Sergeants'-inn, Fleet-st.

**Norfolk**—Brampton Gardon, Esq., Letton, Norfolk.

*Undersh.*, { George Cooper, Esq., East Dereham, Norfolk.  
Messrs. Taylor, Norwich. A. U.

*Dep.*, J. W. Flower, Esq., 17, Gracechurch-street.

**Northamptonshire**—Frederick Urban Sartoris, Esq., Emsden Hall, Northamptonshire.

*Undersh.*, Henry P. Markham, Esq., Northampton.

*Dep.*, Frederick Ouvre, Esq., 13, Tokenhouse-yard.

**Northumberland**—Rowland Errington, Esq., Sandoe.

*Undersh.*, John Stokoe, Esq., Hexham.

*Dep.*, Thomas Leadbitter, Esq., 7, Staple-inn.

\***Norwich**—R. J. Harvey Harvey, Esq., Bracondale, Norwich.

*Undersh.*, G. E. Simpson, Esq., Tombland, Norwich.

*Dep.*, G. T. Taylor, Esq., 18, Featherstone-bdgs.

**Nottinghamshire**—Henry Bridgeman Simpson, Esq., Babworth, Nottinghamshire.

*Undersh.*, { Edmund Percy, Esq., Nottingham.  
J. Browster, Esq., Nottingham. A. U.

*Depts.*, Taylor & Collinson, 28, Great James-street, Bedford-row.

**Nottingham**—W. Vickers Copeland, Esq., Nottingham.

*Undersh.*, Christopher Swann, Esq., Nottingham.

*Depts.*, Holmes, Loftus, & Young, 10, New-inn, Strand.

**Oxfordshire**—Benjamin John Whippy, Esq., Lee Place, Oxfordshire.

*Undersh.*, John Marriott Davenport, Esq., Oxford.

*Depts.*, Davies, Son, & Campbell, 17, Warwick-st., Regent-street.

\***Poole**—William Bound the younger, Esq., Poole.

*Undersh.*, Henry Mooring Aldridge, Esq., Poole.

*Dep.*, Wm. Skilbeck, Esq., 19, Southampton-bdgs.

**Rutlandshire**—Arthur Heathcote, Esq., Pilton.

*Undersh.*, Thomas Brown, Esq., Uppingham.

*Dep.*, T. Bennett, Esq., 23, Hunter-st., Brunswick-square.

**Shropshire**—Willoughby Hurt Sitwell, Esq., Bucknall, Salop.

*Undersh.*, { Richard Green, Esq., Knighton, Radnorshire.  
J. J. Poole, Esq., Shrewsbury. A. U.

*Dep.*, Harvey Bowen Jones, Esq., 22, Austin-friars.

**Somersetshire**—George B. Northcote, Esq., Somerset Court.

*Undersh.*, John Nicholletts, Esq., South Petherton.

*Depts.*, W. W. & E. Dyne, 61, Lincoln's-inn-fields.

- \*Southampton**—James Chaldecott Sharp, Esq., Cumberland Place, Southampton.  
*Undersh.*, James Sharp, jun., Esq., Southampton.  
*Depts.*, Trinder & Eyre, 1, John-st., Bedford-row.
- Staffordshire**—S. Pole Shawe, Esq., Maple Hayes, Lichfield.  
*Undersh.*, Robert William Hall, Esq., Stafford.  
*Depts.*, J. White & Son, 11, Bedford-row.
- \*Suffolk**—John Josselyn, Esq., Bury St. Edmunds.  
*Undersh.*, { George Josselyn, Esq., Ipswich.  
 { Jackson, Sparke, & Holmes, Bury St. Edmunds. A. U.  
*Depts.*, Sharpe, Field, & Jackson, Bedford-row.
- Surrey**—James Gadsden, Esq., Ewell Castle.  
*Undersh.*, W. Haydon Smallpiece, Esq., Guildford.  
*Depts.*, Abbott, Jenkins, & Abbott, 8, New-inn, Strand.
- Sussex**—George Carow Gibson, Esq., Sandgate Lodge, Steyning.  
*Undersh.*, W. Haydon Smallpiece, Esq., Guildford.  
*Depts.*, Palmer, Palmer, & Bull, 24, Bedford-row.
- Warwickshire**—C. Wren Hoskyns, Esq., Wroxall Abbey.  
*Undersh.*, Thomas Heath, Esq., Warwick.  
*Depts.*, Taylor & Collinson, 28, Great James-street, Bedford-row.
- Westmoreland**—John Hill, Esq., Castle Bank, Appleby.  
*Undersh.*, John Heelis, Esq., Appleby.  
*Depts.*, Grey, Armstrong, & Mouney, 9, Staple-inn.
- Wiltshire**—Simon Watson Taylor, Esq., Urchfont, near Devizes, Wiltshire.  
*Undersh.*, John Edward Hayward, Esq., Devizes.  
*Dep.*, William Lewis, Esq., 6, Raymond-buildings, Gray's-inn.
- \*Worcestershire**—William Dowdeswell, Esq., Pull Court, near Tewkesbury.  
*Undersh.*, { T. W. Walker, Esq., Upton-on-Severn.  
 { Hydes & Tymbs, Worcester. A. U.  
*Depts.*, Hall & Hunt, 11, New Boswell-court.
- \*Worcester**—Wm. Price, Esq., Spring Hill, Worcester.  
*Undersh.*, Edward Corles, Esq., Broad-street, Worcester.  
*Dep.*, T. G. Norcutt, Esq., 11, Gray's-inn-square.
- Yorkshire**—J. Brown, Esq., Copgrove, Knaresborough.  
*Undersh.*, William Gray, Esq., York.  
*Depts.*, Westmacott, Blake, & Blake, 7, Great James-street, Bedford-row.
- \*York**—George Peacock Bainbridge, Esq., York.  
*Undersh.*, Thomas Shepherd Noble, Esq., York.  
*Depts.*, Clarke & Jackson, 29, Bedford-row.

## NORTH WALES.

- \*Anglesey**—Hugh Robert Hughes, Esq., Bodrwyn.  
*Undersh.*, Thomas Owen, Esq., Anglesey.  
*Depts.*, Abbott, Jenkins, & Abbott, 8, New-inn, Strand.
- Carnarvonshire**—S. Dukinfield Darbyshire, Esq., Pandyffryn.  
*Undersh.*, { W. Hughes Conway, Esq.  
 { T. G. Edwards, Esq., Denbigh. A. U.  
*Dep.*, Edmund Byrne, Esq., 22, Southampton-buildings, Chancery-lane.
- \*Denbighshire**—Henry R. Sandbach, Esq., Havodunos, near Abergale.  
*Undersh.*, { J. B. Lloyd, Esq., Liverpool.  
 { T. G. Edwards, Esq., Denbigh. A. U.  
*Depts.*, Trinder & Eyre, 1, John-street, Bedford-row.
- \*Flintshire**—A. Trevor, Viscount Dungannon, Brynkinalt.  
*Undersh.*, Arthur Troughton Roberts, Esq., Mold.  
*Depts.*, Simpson, Cobb, Roberts, & Simpson, 62, Moorgate-street.
- \*Merionethshire**—C. J. Tottenham, Esq., Berwyn House, near Llangollen.  
*Undersh.*, Griffith Williams, Esq., Bala.  
*Dep.*, C. Wilkin, Esq., 10, Tokenhouse-yard.
- \*Montgomeryshire**—Edmund E. Peel, Esq., Llandrinio.  
*Undersh.*, Robert D. Harrison, Esq., Welchpool.  
*Depts.*, Gregory, Gregory, Skirrow, & Rowcliffe, 1, Bedford-row.

## SOUTH WALES.

- Breconshire**—John W. Vaughan, Esq., Valinnewdd House.  
*Undersh.*, Henry Maybery, Esq., Brecon.  
*Depts.*, Gregory & Sons, 12, Clement's-inn.

- Cardiganshire**—J. Batteraby Harford, Esq., Peterwell.  
*Undersh.*, Richard Davis Jenkins, Esq., Cardigan.  
*Depts.*, Trinder & Eyre, 1, John-st., Bedford-row.
- \*Carmarthen**—Henry Jones, Esq., Llanmas-st., Carmarthen.  
*Undersh.*, Wm. T. Thomas, Esq., Quay-st., Carmarthen.  
*Depts.*, Chilton, Burton, & Johnson, 7, Chancery-lane.
- \*Carmarthenshire**—Edward Abadam, Esq., Middleton Hall, Carmarthenshire.  
*Undersh.*, Thomas Parry, Esq., Carmarthen.  
*Dep.*, Edward Towsey, Esq., Quality-court.
- \*Glamorganshire**—Wyndham W. Lewis, Esq., The Heath, near Cardiff.  
*Undersh.*, Richard W. Williams, Esq., Cardiff.  
*Depts.*, Keightley, Cunliffe, & Beaumont, Chancery-lane.
- \*Haverfordwest**—Richard Phillips, Esq., Old Bridge, Haverfordwest.  
*Undersh.*, William Davies, Esq., Haverfordwest.  
*Depts.*, Hastings & Smith, 3, Southampton-street, Bloomsbury-square.
- \*Pembrokeshire**—John Leach, Esq., Ivy Tower.  
*Undersh.*, J. R. Powell, Esq., Haverfordwest.  
*Dep.*, G. P. L. Eyre, Esq., 1, John-st., Bedford-row.
- \*Radnorshire**—John A. Whittaker, Esq., Neweastle Court.  
*Undersh.*, William Stephens, Esq., Presteigne.  
*Depts.*, White & Sons, 11, Bedford-row.

[We are indebted to Laidman's List of Sheriffs for many of the names in the above.]

## London Gazettes.

FRIDAY, MARCH 2.

## BANKRUPTS.

- JOHN WALKER BROWN**, Sloane-street, Middlesex, upholsterer, dealer and chapman, March 13 at 1, and April 13 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Armstrong & Westbrook, 2, Guildhall-chambers, London.—Petition filed March 1.
- RICHARD POPKISS, ROBERT GRIGGS POPKISS, and GEORGE MELLER**, Ham Wharf, Brentford, Middlesex, timber merchants and millers, (the said Richard Popkiss also carrying on business as a timber merchant at Maidstone, Kent), March 13 at half-past 1, and April 19 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Brown, 21, Finsbury-place, Finsbury-square, London.—Petition filed Feb. 20.
- CHARLES FOX**, Stafford-place, Fimlico, Middlesex, licensed victualler, March 10 at 1, and April 20 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Martineau & Reid, 2, Raymond's-buildings, Gray's-inn.—Petition filed Feb. 28.
- MATTHEW RICHARD SCOTT**, Harley-place, Marylebone, Middlesex, West India merchant, and Lloyd's Coffee-house, London, underwriter, March 16 at 11, and April 20 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Smith & Alliston, 4, Warrford-court, Throgmorton-street, London.—Petition filed Feb. 24.
- JAMES NORTON WEEKS**, East Cowes, Isle of Wight, Southampton, hotel keeper, dealer and chapman, March 6 at half-past 12, and April 18 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Cattlin, 22, Ely-place, Holborn.—Petition filed Feb. 20.
- WILLIAM EDMUND CHAMPION**, (commonly called WILLIAM CHAMPION), Addington-terrace, East India Dock-road, Limehouse, and late of 5, Wharf, Fore-street, Limehouse, Middlesex, brick merchant and agent, dealer and chapman, March 13 at 12, and April 17 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed Feb. 27.
- HENRY THOMAS RYDE**, Gray's-inn-road, Middlesex, and late of Walbrook, London, dealer in mining and other shares, March 13 at half-past 2, and April 19 at 11, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Wyatt, 4, Verulam-buildings, Gray's-inn, London.—Petition filed March 1.

**WILLIAM PICKERSGILL**, Beech-street, Barbican, London, builder, and dealer in earthenware pipes, dealer and chapman, March 12 at 1, and April 21 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Jones, 9, Quality-court, Chancery-lane, London.—Petition dated Feb. 19.

**HENRY SHAW GOODMAN**, Starch-green, Hammersmith, Middlesex, varnish maker and colour merchant, dealer and chapman, March 9 and April 18 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Rivolta, 10, Hart-st., Bloomsbury, Middlesex.—Petition dated March 1.

**THOMAS COOKE** the elder, Froxfield, near Petersfield, and Steep, Hampshire, cattle salesman, cattle dealer, dealer and chapman, March 12 at 11, and April 21 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Cordwell, 22, College-hill, City.—Petition dated Feb. 24.

**HENRY MILLS**, Great Portland-street, St. Marylebone, Middlesex, tobacconist and wine merchant, March 16 at 2, and April 19 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Archer, 2, Church-court, Clement's-lane, London.—Petition filed Feb. 28.

**JAMES RUMSEY**, Coventry, Warwickshire, licensed victualler, March 16 and April 14 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Powell & Sons, Birmingham.—Petition dated March 1.

**JOSEPH HARROP** and **JAMES HARROP**, Westbury, Wiltshire, woollen manufacturers, March 13 and April 16 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Rodway, Trowbridge, Wiltshire; Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed Feb. 15.

**EVAN EDWARDS**, Aberavon, near Taibach, Glamorgan-shire, grocer, leather dealer, and general-shop keeper, dealer and chapman, March 13 and April 16 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Trencerry, Bristol.—Petition filed Feb. 8.

**BENJAMIN BRAY** and **WILLIAM BRAY**, Okehampton, Devonshire, nursery gardeners, drapers, and grocers, dealers and chapmen, March 13 and April 12 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Burd, Okehampton; Terrell, Exeter.—Petition filed Feb. 26.

**RICHARD LEAR MUGFORD**, Torquay, Devonshire, tailor and draper, March 13 and April 12 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Carter, Torquay; Stogdon, Exeter.—Petition filed Feb. 27.

**GEORGE ELSTON**, Crediton, Devonshire, boot and shoe maker, dealer and chapman, March 12 and April 11 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Cleave, Crediton; Terrell, Exeter.—Petition filed Feb. 28.

**JOHN CROCKER**, Wyke Regis and Weymouth, Dorsetshire, tallow chandler, dealer and chapman, March 12 and April 11 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Hale, Weymouth; Turner, Exeter.—Petition filed March 1.

**JAMES SMITH** and **JOHN HOLMES**, Denholme, Bradford, Yorkshire, worsted manufacturers, March 19 and April 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Weatherhead & Burr, and Waterworth & Wright, Keighley; Bond & Barwick, Leeds.—Petition dated Feb. 26.

**ALEXANDER JACKSON**, Manchester, clock and clock-case manufacturer, watchmaker and jeweller, dealer and chapman, March 15 and April 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Cobbett & Wheeler, Manchester.—Petition filed Feb. 27.

## MEETINGS.

*James Arthur Miles*, Pancras-lane, London, brass founder, March 12 at 12, Court of Bankruptcy, London, ch. ass.—*Charles E. Reinhard*, Rochester, Kent, coal merchant, March 20 at 12, Court of Bankruptcy, London, last ex.—*Hugh Leprie*, Harrison-street, Gray's-inn-road, Middlesex, draper, March 23 at 11, Court of Bankruptcy, London, last ex.—*Erasmus Bond*, Wharf-road, City-road, and Angel-terrace, River-lane, Islington, Middlesex, soda-water manufacturer, March 14 at 12, Court of Bankruptcy, London, last ex.—*Theo. Wadsworth*, Macclesfield, Cheshire, silk dealer, March 14 at 12, District Court of Bankruptcy, Manchester, last ex.—*Edward Jackson* and *Eugene Clark*, Manchester, wholesale milliners, March 14 at 12, District Court of Bankruptcy, Manchester, last ex.—*James Aldred*, Manchester, innkeeper, March 16 at 12, District Court of Bankruptcy, Manchester,

last ex.—*Jeremiah Cox*, St. George's-square, Pimlico, Middlesex, builder, March 19 at half-past 11, Court of Bankruptcy, London, and. ac.—*Thomas Standon*, Goudhurst, Kent, general dealer, March 15 at half-past 11, Court of Bankruptcy, London, and. ac.—*Joseph Gibb*, Blue Lion-yard, Upper North-place, Gray's-inn-road, Middlesex, livery-stable keeper, March 16 at 11, Court of Bankruptcy, London, and. ac.—*Charles Maidlow*, Adelaide-terrace, Westbourne-grove, Middlesex, builder, March 16 at 12, Court of Bankruptcy, London, and. ac.—*Lewis Benjamin*, Princes-street, Leicester-square, Middlesex, jeweller, March 12 at 11, Court of Bankruptcy, London, and. ac.—*Henry Johns*, Battersea, Surrey, and Grange-terrace, Brompton, Middlesex, distiller, March 12 at 11, Court of Bankruptcy, London, and. ac.—*C. Muskett*, Diss, Norfolk, chemist, March 16 at 11, Court of Bankruptcy, London, and. ac.—*Edward Baker*, Newport, Monmouthshire, carrier, March 15 at 11, District Court of Bankruptcy, Bristol, and. ac.—*Roger Dunsbury*, Over Darwen, Lancashire, innkeeper, March 13 at 12, District Court of Bankruptcy, Manchester, and. ac.—*John Cartmell*, Liverpool, shoemaker, March 12 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Joseph Peers*, Ruthin, Denbighshire, scrivener, March 13 at 11, District Court of Bankruptcy, Liverpool, and. ac.; March 26 at 11, div.—*Isadore Bernstein*, Liverpool, commission agent, March 12 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*George Deane* and *Frederick Youls*, Liverpool, merchants, March 14 at 11, District Court of Bankruptcy, Liverpool, and. ac. joint and sep. ests.; March 24 at 11, div. joint and sep. ests.—*James Peck*, Bache, Cheshire, wine merchant, March 13 at 11, District Court of Bankruptcy, Liverpool, and. ac.; March 26 at 11, div.—*Samuel Craig*, Nuneaton, Warwickshire, grocer and tea dealer, April 7 at 12, District Court of Bankruptcy, Birmingham, and. ac.; April 14 at 12, div.—*John B. Joyce*, Burslem, Staffordshire, chemist, April 7 at 12, District Court of Bankruptcy, Birmingham, and. ac.; April 14 at 12, div.—*Wm. H. Barlow*, Leeds, Yorkshire, hatter, March 15 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Edwin W. Peck*, Laurence-lane, London, and Nelson-square, Blackfriars-road, Surrey, hat manufacturer, March 27 at 12, Court of Bankruptcy, London, div.—*William Hunt*, Bedford-row, Middlesex, wine merchant, March 27 at half-past 11, Court of Bankruptcy, London, div.—*Benjamin Miller*, Landport, Portsea, Southampton, mercer, March 27 at 1, Court of Bankruptcy, London, div.—*Richard Halford*, *Wm. Henry Baldock*, and *Osborn Snodden*, Canterbury, Kent, bankers, March 23 at 1, Court of Bankruptcy, London, div. joint and sep. ests.—*William Peacock*, Budge-row, London, wholesale clothier, March 23 at 1, Court of Bankruptcy, London, div.—*Wm. Grossmith*, Portsmouth, Southampton, baker, March 26 at half-past 1, Court of Bankruptcy, London, div.—*Adolphe Devin* the younger, Red Lion-sq., Holborn, Middlesex, wholesale jeweller, March 26 at 1, Court of Bankruptcy, London, div.—*Edward Pepper*, Threadneedle-street, London, licensed victualler, March 26 at 1, Court of Bankruptcy, London, div.—*Charles Leake*, Crowland, Lincolnshire, grocer, April 3 at 10, District Court of Bankruptcy, Nottingham, and. ac. and div.—*Edward Rose*, Nottingham and Sneynton, Nottinghamshire, lace cap manufacturer, March 27 at 10, District Court of Bankruptcy, Nottingham, and. ac. and div.—*Joseph Asher*, Old Dalby, Leicestershire, miller, March 27 at 10, District Court of Bankruptcy, Nottingham, div.—*John Lilley* and *Alfred Ashmall*, Liverpool, merchants, March 23 at 11, District Court of Bankruptcy, Liverpool, div.—*Wm. Brunton*, Bradford, Yorkshire, joiner, March 23 at 11, District Court of Bankruptcy, Leeds, div.—*John Mitchell*, Morton, Bingley, Yorkshire, worsted spinner, March 23 at 11, District Court of Bankruptcy, Leeds, div.—*Thomas Dixon*, Bradford, Yorkshire, iron merchant, March 23 at 11, District Court of Bankruptcy, Leeds, fin. div.—*Isaac Blackburn* and *William S. Stiebel*, Leeds, Yorkshire, ironfounders, March 23 at 11, District Court of Bankruptcy, Leeds, div.—*Jonathan Porritt*, Gildersome, Batley, Yorkshire, worsted spinner, March 23 at 11, District Court of Bankruptcy, Leeds, div.—*John W. Rowbottom*, Halifax, Yorkshire, boiler maker, March 23 at 11, District Court of Bankruptcy, Leeds, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Nicholson J. Gardner*, Water-lane, London, commission-

agent, March 23 at 2, Court of Bankruptcy, London.—*R. Waitall*, Noble-street, London, warehouseman, March 26 at 11, Court of Bankruptcy, London.—*Isaac May*, Ipswich, Suffolk, linen-draper, March 26 at 12, Court of Bankruptcy, London.—*John Mackness*, Stratford, West Ham, Essex, baker, March 23 at 12, Court of Bankruptcy, London.—*H. Broome*, Portsmouth, Southampton, licensed victualler, March 23 at 11, Court of Bankruptcy, London.—*Robert Smith*, New-castle-street, Strand, Middlesex, licensed victualler, March 23 at 12, Court of Bankruptcy, London.—*Wm. Boyce* the elder, Dover, Kent, innkeeper, March 23 at 2, Court of Bankruptcy, London.—*John Taylor* and *James Burton*, Stockport, Cheshire, power-loom cloth manufacturers, March 26 at 12, District Court of Bankruptcy, Manchester.—*Joseph Crowther*, Manchester and Eccles, Lancashire, grocer, March 23 at 12, District Court of Bankruptcy, Manchester.—*E. Goldsmith*, Nottingham, hatter, March 27 at 10, District Court of Bankruptcy, Nottingham.—*Joseph Asher*, Old Dalby, Leicestershire, miller, March 27 at 10, District Court of Bankruptcy, Nottingham.—*Jonathan Porritt*, Gildersome, Batley, Yorkshire, worsted spinner, March 23 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Henry Brewer*, Ross, Herefordshire, innkeeper.—*Robert Wilson Wylie*, St. Leonard, Devonshire, flax scutcher.—*Daniel James Fynney*, Liverpool, corn merchant.—*William Yates*, Liverpool, cotton broker.—*John Richardson*, Chesterfield, draper.—*Wm. Shuttleworth*, Bradford, Yorkshire, stuff manufacturer.

#### PETITION ANNULLED.

*Wm. L. Tizard*, Aldgate High-street, London, mechanical engineer.

#### PARTNERSHIP DISSOLVED.

*George Satter* and *Thomas Marshall Cockerill*, Ellesmere, Shropshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Alex. Trotter Lawrie*, Edinburgh, manufacturing chemist.—*Robertson & Lister*, Glasgow, smiths.—*Geo. Smith*, deceased, Buckle, Rathven, Banffshire.—*Wm. Marshall*, Edinburgh, jeweller.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Hawker*, Liverpool, enamel dial maker, March 6 at 10, County Court of Lancashire, at Liverpool.—*Elizabeth Jones*, Liverpool, butcher, March 6 at 10, County Court of Lancashire, at Liverpool.—*John Kavanagh*, Liverpool, seamen's boarding-house keeper, March 6 at 10, County Court of Lancashire, at Liverpool.—*C. Matthews*, Bristol, licensed victualler, March 29 at half-past 10, County Court of Gloucestershire, at Bristol.—*J. Williams*, Bristol, halber, March 22 at half-past 10, County Court of Gloucestershire, at Bristol.—*Henry Padmore*, Lower Witton, Staffordshire, gun-barrel flier, March 17 at 11, County Court of Warwickshire, at Birmingham.—*Ann Birch*, Birmingham, cab jobber, March 17 at 11, County Court of Warwickshire, at Birmingham.—*H. Hall*, Edgbaston, Birmingham, comedian, March 17 at 11, County Court of Warwickshire, at Birmingham.—*R. Rankin*, Birmingham, carpenter, March 17 at 11, County Court of Warwickshire, at Birmingham.—*Henry Hobley*, Great Newton, Cheshire, schoolmaster, March 9 at 10, County Court of Cheshire, at Birkenhead.—*John Billington*, Nantwich, Cheshire, eating-house keeper, March 29 at 11, County Court of Cheshire, at Nantwich.—*Wm. Powers Bradley*, Leicester, hairdresser, March 14 at 10, County Court of Leicestershire, at Leicester.—*T. Whitmore*, Leicester, hairdresser, March 14 at 10, County Court of Leicestershire, at Leicester.—*John Flaxington*, Windhill, near Bradford, Yorkshire, cloth manufacturer, March 16 at 11, County Court of Yorkshire, at Bradford.—*Wm. Hammerston*, Pudsey, Calverley, Yorkshire, attorney-at-law, March 16 at 11, County Court of Yorkshire, at Bradford.—*E. Hughes*, Folkestone, Kent, eating-house keeper, March 17 at 10, County Court of Kent, at Folkestone.—*Wm. Thomas Norton*, New Sneyton, Nottinghamshire, cabinet maker, March 20 at 10, County Court of Nottinghamshire, at Nottingham.—*Richard Byre*, Nottingham, wheelwright, March 20 at 10, County Court of Nottinghamshire, at Nottingham.—*T. Guss*, Lenton, Nottinghamshire,

baker, March 20 at 10, County Court of Nottinghamshire, at Nottingham.—*James Cross*, Nottingham, dealer in cattle, March 20 at 10, County Court of Nottinghamshire, at Nottingham.—*Jonathan Smith*, Nottingham, butcher, March 20 at 10, County Court of Nottinghamshire, at Nottingham.—*George Charles Wigens*, Bath, Somersetshire, land surveyor, March 10 at 11, County Court of Somersetshire, at Bath.—*Mary Stokes*, Belper, Derbyshire, beer-seller, March 15 at 10, County Court of Derbyshire, at Belper.—*Benjamin Slater*, Pottersbury, near Stoney Stratford, Northamptonshire, miller, March 15 at 12, County Court of Northamptonshire, at Towcester.—*Joseph Rhodes*, Fenny Stratford, Buckinghamshire, rag dealer, March 19 at 12, County Court of Buckinghamshire, at Newport Pagnell.—*Lewis Thomas*, Rhydy-Meirch, Penmachno, Carnarvonshire, slate weigher, March 21 at 10, County Court of Carnarvonshire, at Carnarvon.—*John Derington*, Southampton, schoolmaster, March 13 at 10, County Court of Hampshire, at Southampton.—*Robert Balcomb*, Brighton, Sussex, bricklayer, March 10 at 10, County Court of Sussex, at Brighton.—*Benjamin Reeve Wadham*, Stamford, Lincolnshire, shoe manufacturer, March 19 at 10, County Court of Lincolnshire, at Stamford.—*John Dolby Ward*, Wansford, Northamptonshire, beer-house keeper, March 19 at 10, County Court of Lincolnshire, at Stamford.—*John Lewis* the younger, Bedworth, Warwickshire, out of business, March 22 at 12, County Court of Warwickshire, at Nuneaton.—*John Bedale*, Manchester, surgeon, March 19 at 12, County Court of Lancashire, at Manchester.—*E. Parry*, Aberaman, Aberdare, Glamorganshire, builder, March 9 at 10, County Court of Glamorganshire, at Merthyr Tydvil.—*Jenkins Jenkins*, Llanwono, Glamorganshire, shoemaker, March 9 at 10, County Court of Glamorganshire, at Merthyr Tydvil.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 16 at 10, before the CHIEF COMMISSIONER.*

*William Hands*, Green-street, Bethnal-green, Middlesex, baker.—*Richard Siems*, Greenford-green, Greenford, near Harrow, Middlesex, beer-shop keeper.—*William Young* the elder, Caroline-place, City-road, Middlesex, general dealer.

*April 26 at 11, before Mr. Commissioner PHILLIPS.*

*John McCalloch*, High Holborn, Middlesex, shopman to a ham dealer.—*Wm. S. Higgs*, Little Windmill-street, Golden-square, Middlesex, carpenter.—*Thos. S. Kelly*, Brunswick-place, Barnsbury-road, Islington, Middlesex, accountant.—*Joseph Roome*, Ditton Marsh, Surrey, cowkeeper.—*Edward Fielding*, Mark-street, Paul-street, Finsbury, Middlesex, cabinet maker.—*George Lightow*, Jewry-street, Aldgate, accountant-book manufacturer.—*B. Wells*, Richmond-row, Shepherd's Bush, Hammersmith, Middlesex, professor of music.—*J. Jennings*, Charles-street, Hackney-road, Middlesex, shoe manufacturer.—*C. Delay*, Gerrard-street, Soho, Middlesex, professor of languages.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 16 at 10, before the CHIEF COMMISSIONER.*

*Robert Smith*, Pinder-place, Black Horse-yard, Gray's-inn-road, Middlesex, out of business.—*Henry Reffs*, Percy-st. Old-road, St. Pancras, Middlesex, carpenter.—*Chas Winter*, High-street, Camden-town, Middlesex, plumber.

*March 16 at 10, before Mr. Commissioner MURPHY.*

*Jane Healey*, New Oxford-st., Middlesex, milliner.—*James Stevens*, Great Knight-riding-st., Doctors'-commons, London, potato salesman.—*Robert Michael Bristol*, Gloucester-row, Prospect-row, Walworth-road, Surrey, nightman.—*Samuel J. Gardner*, Picton-yard, Caledonian-road, Islington, Middlesex, out of business.

*March 17 at 11, before Mr. Commissioner PHILLIPS.*

*Robert John Hartwell*, Prospect-place, St. George's-square, Southwark, Surrey, compositor.—*John Watts* the younger, Great Dover-st., Southwark, Surrey, baker.—*William Cook*, Golden-lane, Barbican, London, boot maker.—*Robert Bryant Nind*, West-place, Islington-green, Middlesex, paper-hanging

maker.—*John Gillies*, Provident-place, Walworth-common, Surrey, baker.—*George Hill* the younger, Church-row, Upper street, Islington, Middlesex, carpenter.

*March 19 at 11, before Mr. Commissioner PHILLIPS.*

*James Phillips Lucas*, Townsend, Halesowen, Worcester-shire, out of business.—*Charles Terry*, Leatherhead, Surrey, bricklayer.—*Louis Rossi*, Hanover-cottages, Park-road, Regent's-park, Middlesex, hairdresser.—*John William Dunn*, Suffolk-place, Pall-mall, Middlesex, author.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Berkshire, at READING, March 13.*

*John Fardon*, Reading, out of business.—*Wm. H. Roberts*, Bracknell, licensed victualler.

*At the County Court of Shropshire, at SHREWSBURY, March 13 at 10.*

*Ellen Morris*, widow, Coleham, near Shrewsbury, 'shop-keeper'.—*Wm. Morris*, Coleham, near Shrewsbury, labourer.—*Emma Edwards*, Shrewsbury, innkeeper.

*At the County Court of Norfolk, at NORWICH, March 13.*

*Joseph Thomas*, Great Yarmouth, out of business.

*At the County Court of Worcestershire, at WORCESTER, March 14 at 10.*

*George G. Griffiths*, Worcester, attorney's clerk.—*George Minifie*, Great Malvern, baker.

*At the County Court of Kent, at DOVER, March 15 at 11.*

*Samuel Henshaw Barrow*, Lower Kennington-lane, Surrey, attorney.—*Frederick Wm. Roberts*, Dover, in no trade.—*George Blackman*, Dover, out of business.—*Alfred Nelson Wickes*, Dover, parish clerk.

*At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, March 15 at 10.*

*Robert Calbreath*, Newcastle-upon-Tyne, out of business.—*James Duncan*, Newcastle-upon-Tyne, draper.

*At the County Court of Somersetshire, at TAUNTON, March 15.*

*Robert Cox*, Crosscombe, near Shepton Mallett, out of business.

*At the County Court of Sussex, at PETWORTH, March 16.*

*Henry Oakshott*, Arundel, baker.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, March 16.*

*James Hudson*, Kingston-upon-Hull, draper's assistant.—*John W. Shelbourn*, Kingston-upon-Hull, bailiff.

*At the County Court of Lancashire, at LANCASTER, March 16 at 11.*

*A. Leeson*, Manchester, out of business.—*Wm. Thompson*, Ashton-under-Lyne, out of business.—*Jos. Ashworth*, Bury, confectioner.—*W. Brown*, Preston, gatekeeper to the Ribble Branch Railway Company.—*Alfred Aldred*, Manchester, out of business.—*Edward Turner*, Heywood, near Bury, out of business.—*Philip Briggs*, Manchester, schoolmaster.—*Edw. Smith*, Liverpool, brewer.—*Robert Whitaker*, Manchester, commission agent.—*Thos. Walker*, Manchester, out of business.—*Benjamin Jesse Sutterby*, Manchester, out of business.—*George Croston*, Manchester, out of business.—*J. Woolley*, Manchester, out of business.—*Joseph Kerrhaw*, Lees Brook, near Oldham, chemist.—*Joseph Roberts*, Manchester, licensed victualler.—*Augusto Caidani*, Manchester, commission agent.—*Henry Meyers*, Manchester, out of business.—*Wm. Chadwick*, Manchester, out of business.—*Alice Barlow Stokes*, Manchester, lodging-house keeper.—*John Hughes*, Liverpool, joiner.—*George Pear*, Liverpool, out of employment.—*John Abbott*, Newton-leath, near Manchester, out of business.—*Andrew Cockshutt*, Grimshaw-park, Blackburn, provision dealer.—*James Lord*, Bridgeway, near Newchurch, out of business.—*Robert Hulme*, Manchester, calenderer.—*Thomas Wermahl*, Barton-on-Irwell, near Manchester, out of business.—*Josiah Bradwell*, Manchester, out of business.—*Thos. James*, Birkenhead, Cheshire, warehouse keeper.—*Edwin Fowden*, Manchester, brewer.—*James Sweeney*, Manchester, out of business.—*John Talbot*, Bolton-le-Moors, earthen-

ware dealer.—*Thomas Wealthall*, Hulme, Manchester, her-ballist.—*Thos. Forshaw*, Manchester, carter.—*John Bridge*, Bolton-le-Moors, beerseller.—*J. Buckley*, Oldham, clogger.—*George Mickle*, Blackburn, shoemaker.—*Chas. Pridmore*, Ashton-under-Lyne, grocer.—*Joseph Ward*, Everton, near Liverpool, assistant to a draper.—*John Winstanley*, Manchester, beerseller.—*James Matley*, Ashton-under-Lyne, licensed victualler.—*Wm. Scaife*, Salford, out of business.—*Charles Davies*, Liverpool, shoemaker.—*Luke Rushton*, Whitworth, near Rochdale, provision dealer.

*At the County Court of Derbyshire, at DERBY, March 17 at 12.*

*John Higginbottom*, New Mills, out of business.—*Joseph Walters*, Alfreton, auctioneer.

*At the County Court of Warwickshire, at WARWICK, March 19.*

*Thomas Fulford*, Birmingham, brewer.—*Edward Bull*, Birmingham, general agent.—*Thomas H. Richardson*, Birmingham, out of business.—*George Richards*, Birmingham, plumber.—*James Nightingale*, Birmingham, carpenter.—*J. Quinney*, Rugby, baker.—*John Allen*, Coalbourn Brook, near Stourbridge, Staffordshire, brickmaker.—*James Smith*, Lee End, Alvechurch, Worcestershire, farmer.—*Henry Frederick Keeling*, Leamington Priors, in no profession.—*Edward Philpot*, Smethwick, Harborne, Staffordshire, carpenter.—*William Carvell* the younger, Coventry, tailor.—*Charles Starkey*, Dudley, out of business.—*Peter Pritchard*, Birmingham, out of business.

*At the County Court of Lancashire, at MANCHESTER, March 19 at 12.*

*John Hope Lowndes*, Manchester, agent.

*At the County Court of Nottinghamshire, at NOTTINGHAM, March 20 at 10.*

*Lorance Torr*, New Basford, butcher.

*At the County Court of Hampshire, at WINCHESTER, March 20.*

*Wm. Josiah Hazel*, Landport, boot maker.—*George Isaac Moss*, Portsea, Southampton, gas fitter.—*John Sherman*, Gosport, out of business.—*C. Moore*, Landport, Southampton, manufacturer of whiting.

*At the County Court of Nottinghamshire, at NOTTINGHAM, March 20.*

*Richard Butler*, Nottingham, out of business.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Alice Atkins*, North-road, Highgate-town, St. Mary, Hornsey, Middlesex, smith: 10s. 2d. in the pound.—*George Furby*, Hanover-place, Kennington, Surrey, ironmonger: 2s. 7d. in the pound.—*John House*, Beaminster, Dorsetshire, labourer: 2s. 4½d. in the pound.—*Charles Stanforth Wright*, Edwinstowe, Nottinghamshire, out of business: 12s. 7½d. in the pound.—*Henry Bradley*, Huddersfield, Yorkshire, woollen-cloth dealer: 1s. 11d. in the pound.—*Joseph Marsh Blacklock*, Priory-place, Priory-road, South Lambeth, Surrey, clerk in her Majesty's War Office, Whitehall: 3s. 0½d. (making 5s.) in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn, London, between the hours of 11 and 3.*

#### MEETINGS.

*Wm. Deakin*, Birmingham, retailer of ale, March 15 at 12 Court-house, Portugal-st., Lincoln's-inn-fields, sp. aff.

#### TUESDAY, MARCH 6.

##### BANKRUPTS.

**ROBERT EDWARD BARNES**, Sloane-street, Chelsea, Middlesex, wine merchant and house agent, March 12 at half-past 11, and April 25 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Pain, 5, Gresham-street, City.—Petition dated Feb. 28.

**THOMAS BAIN** and **JOHN COWARD**, Madras, East Indies, merchants, dealers and chapmen, (trading under the firm of Bain, Brothers, which said Thomas Bain lately resided at the Tavistock Hotel, Covent-garden, and John Cowan now resides at Church-cottage, De Beauvoir-square, Middlesex), March 16 at 2, and April 20 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Hughes & Co., 17, Bucklersbury, London.—Petition filed Feb. 20.

**THOMAS BESWICK**, Half Moon-street, Piccadilly, Middlesex, licensed victualler, March 16 and April 20 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Strong, 73, Coleman-street, London.—Petition filed March 2.

**GEORGE ROOTS**, Brougham-cottage, New-road, Chatham, and Hoo, Kent, brick maker, March 17 and April 21 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Stopher, 52, Cheapside, London.—Petition filed March 3.

**JOHN THYNNE CARR**, Regent-terrace, City-road, Middlesex, timber merchant, March 16 at half-past 2, and April 19 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Taylor, 15, South-street, Finsbury-square, London.—Petition filed March 5.

**FRANCIS EDWARD BINGLEY**, formerly of Albert-terrace, Paddington, afterwards of Cambridge-terrace, Pimlico, and now of Grove-terrace, St. John's Wood, and Somerset-terrace, Pimlico, Middlesex, share broker and auctioneer, (carrying on business with Henry Batley, under the firm of Batley & Bingley), March 16 at 12, and April 19 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed March 2.

**JAMES BARLOW**, Birmingham, brassfounder, dealer and chapman, March 17 and April 14 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Suckling & Son, Birmingham.—Petition filed March 2.

**LLEWELLYN WALLINGTON**, Bridgend, Glamorgan-shire, grocer, dealer and chapman, March 19 and April 17 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Edwards & Nalder, Bristol.—Petition filed Feb. 23.

**WILLIAM HENRY MINERS**, Plymouth, Devonshire, grocer, dealer and chapman, March 20 and April 10 at 1, District Court of Bankruptcy, Plymouth: Off. Ass. Hirtzel; Sols. Bishop & Pitts, Exeter; Abrahams, 23, Southampton-buildings, Holborn.—Petition filed March 3.

**JOSEPH WILKINSON** the younger, Horsforth, Yorkshire, cloth manufacturer, dealer and chapman, March 16 and April 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Bond & Barwick, Leeds.—Petition dated March 1.

**JOHN WILLIAM DOBSON**, Leyburn, Yorkshire, common brewer, March 19 and April 17 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Prest, Leeds; Willmott, 82, High-street, Southwark, Surrey.—Petition dated Feb. 26.

**NATHAN CLOUGH**, Bradford, Yorkshire, painter, dealer and chapman, March 26 at half-past 11, and April 17 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Petition dated and filed March 5.

**JOHN LAMBERT**, Halifax, Yorkshire, timber dealer and joiner, dealer and chapman, March 22 and April 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Holroyde & Co., Halifax; Bond & Barwick, Leeds.—Petition dated and filed March 3.

**THOMAS WALKER**, Edwinstowe, Nottinghamshire, licensed victualler, dealer and chapman, March 17 and April 21 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Neale, Mansfield; Dixon & Blackwell, Sheffield.—Petition dated and filed Feb. 22.

**CLIFFORD FIRTH** and **JOHN ARCHER**, Liverpool, brokers, dealers and chapmen, March 12 and April 4 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sols. J. & E. Whitley, Liverpool.—Petition filed Feb. 26.

**EDWIN SPARROW**, Liverpool, metal broker, dealer and chapman, March 20 and April 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Boggie, Liverpool.—Petition filed Feb. 28.

**JAMES FENTON**, Reeds, Holmes Mill, Crawshaw Booth, near Rawtenstall, Lancashire, cotton manufacturer, dealer and chapman, March 16 and April 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Faulkner, Manchester.—Petition filed March 3.

#### MEETINGS.

*John Evans*, Exeter, bookseller, March 22 at 1, District Court of Bankruptcy, Exeter, ch. ass.—*James T. Cartwright*,

Apollo-buildings, East-street, Walworth, Surrey, timber merchant, March 23 at 2, Court of Bankruptcy, London, last ex.—*Isaac Barton*, Stafford, grocer, March 17 at 12, District Court of Bankruptcy, Birmingham, last ex.—*Henry Albert Linford* and *William Richardson*, Sherborne-lane, London, eating-house keepers, March 19 at 2, Court of Bankruptcy, London, aud. ac.—*Charles Dearie*, Frederick's-place, Old Jewry, London, merchant, March 27 at 11, Court of Bankruptcy, London, aud. ac.—*Henry Elgar*, Ashford, Kent, grocer, March 20 at half-past 11, Court of Bankruptcy, London, aud. ac.—*George Ricketts*, Charles-place, Drummond-street, Euston-square, Middlesex, coach builder, March 27 at half-past 1, Court of Bankruptcy, London, aud. ac.—*George Bumpstead*, Great Yarmouth, Norfolk, grocer, March 29 at 2, Court of Bankruptcy, London, aud. ac.—*Henry R. Spicer*, Bognor Mills, near Newbury, Berkshire, paper maker, March 29 at 1, Court of Bankruptcy, London, aud. ac.—*Thomas Beadle*, Croydon, Surrey, carpenter, March 19 at 11, Court of Bankruptcy, London, aud. ac.—*Isaac Unwin*, Poland-street, Oxford-street, Middlesex, builder, March 22 at 11, Court of Bankruptcy, London, aud. ac.—*James Whiting Fisher* and *James Boney*, Norwich, cabinet makers, March 16 at 11, Court of Bankruptcy, London, aud. ac.—*Lionel Goldsmith*, Queen-street, Cheapside, London, merchant, March 17 at 11, Court of Bankruptcy, London, aud. ac.; March 28 at 12, div.—*J. Bergthell*, Winchester-buildings, London, merchant, March 16 at 11, Court of Bankruptcy, London, aud. ac.—*H. Brewer*, Ross, Herefordshire, innkeeper, March 26 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*W. Steeds*, Evercreech, Somersetshire, tallow chandler, April 5 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Geo. Kellar*, Liverpool, timber merchant, March 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Lilley* and *Alfred Ashmall*, Liverpool, merchants, March 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*David Allen Ramsay*, Kensington-park-terrace, Notting-hill, Middlesex, builder, March 29 at 11, Court of Bankruptcy, London, div.—*James Cockburn*, New Broad-street, London, merchant, March 29 at half-past 12, Court of Bankruptcy, London, div.—*John Tregenza*, Oxford-street, Middlesex, shoe manufacturer, March 29 at half-past 1, Court of Bankruptcy, London, div.—*Frederick George Richardson*, Commercial-road, Limehouse, Middlesex, timber merchant, March 28 at 1, Court of Bankruptcy, London, div.—*Joe. Windle Cole*, Birchin-lane, London, merchant, March 27 at half-past 11, Court of Bankruptcy, London, div.—*William Palmer*, Strand, Middlesex, hosier, March 27 at 1, Court of Bankruptcy, London, div.—*Herbert Ashton* and *Steward Spriggs*, Aldermanbury, London, warehousemen, March 27 at half-past 1, Court of Bankruptcy, London, div. joint est. and div. sep. est. of *Steward Spriggs*.—*Robert Lambell*, Etham-place, Dover-road, St. George's, Southwark, Surrey, draper, March 27 at 12, Court of Bankruptcy, London, div.—*Thos. Minnitt*, Mansfield, Nottinghamshire, seed merchant, April 17 at 10, District Court of Bankruptcy, Nottingham, div.—*Roger Duxbury*, Over Darwen, Lancashire, innkeeper, March 28 at 12, District Court of Bankruptcy, Manchester, div.—*John Samuel Smith*, Liverpool, drysalter, March 30 at 12, District Court of Bankruptcy, Manchester, div.—*Richard Gay*, Kirkstall, Leeds, Yorkshire, ware grinder, March 31 at half-past 11, District Court of Bankruptcy, Leeds, first and fin. div.—*T. Fenwick* and *R. Kidd*, Tynemouth, Northumberland, brewers, March 29 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div. sep. est. of *Thos. Fenwick*.—*Chas. Dixon*, Gateshead, Durham, draper, March 28 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*George Havelock* and *Matthew Benjamin Robson*, Monkwearmouth, Durham, shipbuilders, March 29 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div. sep. est. of *Matthew Benjamin Robson*.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Tullock Fisher*, Barking-road, Plaistow, Essex, auctioneer, March 28 at 1, Court of Bankruptcy, London.—*W. Burridge*, Stainsby-road, East India-road, Limehouse, Middlesex, builder, March 28 at half-past 11, Court of Bankruptcy, London.—*Walter Keen*, Hungerford, Berkshire, hay dealer, March 28 at 2, Court of Bankruptcy, London.—*Henry Quarterman*, Oxford, carpenter, March 28 at 2, Court of



**Bankruptcy, London.**—*John Marke*, Duke-street, Manchester-square, Middlesex, butcher, March 28 at half-past 1, Court of Bankruptcy, London.—*John Ballers*, Tokenhouse-yard, London, shipowner, March 27 at 12, Court of Bankruptcy, London.—*Elizabeth Taylor*, Croom's-hill, Greenwich, Kent, licensed victualler, March 27 at 1, Court of Bankruptcy, London.—*Wm. Steeds*, Everecreech, Somersetshire, tallow chandler, March 30 at 11, District Court of Bankruptcy, Bristol.—*Edward Leader Box*, Bristol, corn merchant, March 30 at 11, District Court of Bankruptcy, Bristol.—*Joseph Bradford*, Coventry, Warwickshire, licensed victualler, March 29 at half-past 10, District Court of Bankruptcy, Birmingham.—*Henry Binnell Harris*, Shrewsbury, Shropshire, draper, March 29 at half-past 10, District Court of Bankruptcy, Birmingham.—*Thomas Lowell Ralph* the elder and *Wm. Ralph*, Birmingham, ironfounders, March 29 at half-past 10, District Court of Bankruptcy, Birmingham.—*Bryan Hesleden*, Barton-upon-Humber, Lincolnshire, money broker, March 28 at 12, District Court of Bankruptcy, Hall.

*To be granted, unless an appeal be duly entered.*

*Edward Handley*, King William-street, Strand, Middlesex, licensed victualler.—*George Bethell*, Weistead's-yard, Seymour-place, Bryanstone-square, Middlesex, smith.—*Robert Warner*, West-street, Commercial-road, Fimlico, Middlesex, wheelwright.—*Robert Tripp*, St. Michael's-alley, Cornhill, London, and Hersford-road, Bayswater, Middlesex, dealer in railway and mining shares.—*John Bosworth Crocker*, Sheffield, Yorkshire, draper.—*John Samuel Smith*, Liverpool, drysalter.—*R. Ginks*, Hartlebury, Worcestershire, wheelwright.—*William Rolleston* the younger, Birmingham, plate worker.—*J. Sanders*, Darlaston, Staffordshire, ironmonger.

#### PETITIONS ANNULLED.

*Wm. Green*, Sudbury, Suffolk, innkeeper.—*James Lucas*, Stroud, Gloucestershire, cheesefactor.

#### PARTNERSHIP DISSOLVED.

*John Cooke* and *John Rand Bailey*, Mitre-court-chambers, Temple, London, and Wallingford, Berkshire, attornies and solicitors.

#### SCOTCH SEQUESTERATIONS.

*Thos. Cargill*, Dundee, flax spinner.—*John Wilkie*, Glasgow, warehouseman.—*Campbell, Macnab, & Co.*, Glasgow, merchants.—*Adolph Breytig*, Dundee, merchant.—*P. M'Duff & Co.*, Dundee, tanners.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Wilde*, Rayton-of-the-Eleven-Towns, Shropshire, butcher, March 24 at 10, County Court of Shropshire, at Oswestry.—*Philip Watkins Trenwith*, Penzance, Cornwall, cordwainer, March 14 at 10, County Court of Cornwall, at Penzance.—*S. Coates*, Halstead, Essex, plumber, March 30 at 10, County Court of Essex, at Halstead.—*John Mills*, Oldham, Lancashire, retail beer seller, March 9 at 12, County Court of Lancashire, at Oldham.—*Henry Watson*, Kingston-upon-Hull, labourer, March 16 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Andrew Pitte*, Cottesingham, Yorkshire, butcher, March 16 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*James Francis*, Coity, Glamorganshire, publican, March 14 at 10, County Court of Glamorganshire, at Bridgend.—*Edward Tanner*, Farnborough, Southampton, corn dealer, March 14 at 12, County Court of Surrey, at Farnham.—*Decimus Slatter*, Ilmington, Warwickshire, out of business, March 23 at 11, County Court of Worcestershire, at Shipston.—*Edward Rice*, Ludham, Norfolk, shoemaker, March 22 at half-past 10, County Court of Norfolk, at North Walsham.—*S. Spencer*, Bramshill, near Winchester, Southampton, millwright, March 17 at 10, County Court of Hampshire, at Basingstoke.—*Frederick Geo. Skarland*, Frome, Somersetshire, assistant to a draper, March 14 at 11, County Court of Somersetshire, at Frome.—*S. Ellis Solomon*, Portsmouth, Southampton, dealer in curiosities, March 28 at 11, County Court of Hampshire, at Portsmouth.—*Wm. Hill* and *Wm. Stead*, Huddersfield, Yorkshire, livery-stable keepers, March 19 at 10, County Court of Yorkshire, at Huddersfield.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

#### Adjourned Hearing.

March 17 at 10, before Mr. Commissioner PHILLIPS.

*Louis Fred. de Manuy*, Eltham, Kent, and Sloane-street, Chelsea, Middlesex, teacher of drawing.

March 20 at 10, before the CHIEF COMMISSIONER.

*John Wigzell Thomas*, Upper King-street, Bloomsbury, Middlesex, carpenter.—*Frederick Austria*, Albion-cottages, Queen's-road, Dalston, Middlesex, commission agent.

March 21 at 10, before the CHIEF COMMISSIONER.

*Christopher Croxford*, Staines, Middlesex, saddler.

March 28 at 10, before Mr. Commissioner MURPHY.

*Jas. F. J. Deas*, Compton-street, Tavistock-square, Middlesex, van proprietor.—*John Robert Nickolls*, Princess-street, Stamford-street, Blackfriars-road, Surrey, vegetable salesman.—*Andrew Eardley*, Dartford, Kent, dealer in hats.—*J. Foster*, Whiskin-street, St. John-street-road, Clerkenwell, Middlesex, carpenter.—*Anthony Byed*, Upper Whitecross-st., St. Luke's, Middlesex, shopman to a cheesemonger.—*George H. Bailey*, St. Mary-axe, Leadenhall-street, London, hairdresser.—*E. L. Kellaway*, Richmond-place, East-st., Walworth, Surrey, plumber.—*Thos. Stevenson*, Gloucester-place, Kentish-town, Middlesex, dealer in skins.—*Fred. Soular*, Edgware, Middlesex, baker.—*Henry Standish*, Haberdasher's-place East, Hoxton, Middlesex, wood turner.—*James Shaw*, Urbridge, Hillingdon, Middlesex, butcher.—*Daniel T. Mobbs*, Long-alley, Moorfields, Middlesex, greengrocer.—*Ann Wetherall*, widow, Park-road, Old Kent-road, Camberwell, Surrey.—*S. Pollock*, Nelson-square, Blackfriars-road, Surrey, furrier.

#### Saturday, March 3.

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Charles Farrar*, Queen's-road West, Chelsea, Middlesex, oil refiner, No. 64,964 T.; Richard Richards, assignee.—*John Liversy*, Salford, Lancashire, licensed victualler, No. 79,239 C.; Edward Cornelius Moore, assignee.—*C. Swash*, Neath, Glamorganshire, shoemaker, No. 79,275 C.; Wm. Somervell, assignee.—*John Milnes*, Rochdale, Lancashire, salesman to a wool merchant, No. 79,318 C.; Joseph Wilman, assignee.—*Ann Pardoe*, widow, Worcester, No. 79,355 C.; John Powell and Alfred Powell, assignees.

#### Saturday, March 3.

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Elijah Butcher*, Upper Thames-street, London, out of business: in the Debtors Prison for London and Middlesex.—*James S. Strachan*, Aberdeen-terrace, Shepherd's Bush, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Samuel Lay*, Gloucester-mews West, Gloucester-terrace, Paddington, Middlesex, coach builder: in the Debtors Prison for London and Middlesex.—*J. Gooden*, Sutherland-terrace, Caledonian-road, King's-cross, Middlesex, dramatic agent: in the Debtors Prison for London and Middlesex.—*James H. Smith*, Brownlow-cottages, Hertford-place, Haggerstone, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*F. Tallis*, Upper Chadwell-street, Clerkenwell, Middlesex, publisher: in the Debtors Prison for London and Middlesex.—*Philip Richardson*, Old Bailey, London, commission agent: in the Debtors Prison for London and Middlesex.—*Thomas Lands*, High-street, Camden-town, Middlesex, shoe dealer: in the Debtors Prison for London and Middlesex.—*Benjamin Burford*, Devonshire-road, Chiswick, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Francis Robert Leaver*, Theberton-street, Islington, Middlesex, law stationer's travelling clerk: in the Debtors Prison for London and Middlesex.—*Frederick Cleobury Mortimer Spearman*, Lower Sydenham, Kent, out of business: in the Gaol of Surrey.—*David Moffatt*, College-street West, Camden-town, Middlesex, baker: in the Debtors

Prison for London and Middlesex.—*Thos. Smith Wilkinson*, Greenwich, Kent, clerk in the Registry of the Admiralty Court: in the Debtors Prison for London and Middlesex.—*Thomas Chance*, Caledonian-road, King's-cross, Middlesex, brass turner: in the Debtors Prison for London and Middlesex.—*George Banger*, Susannah-row, Curtain-road, Shore-ditch, Middlesex, manager to a general-shop keeper: in the Debtors Prison for London and Middlesex.—*Chas. Foster*, Draycott-street, Sloane-square, Chelsea, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*John Tatlock*, Bolton-le-Moors, Lancashire, earthenware dealer: in the Gaol of Lancaster.—*Luke Rushton*, Whitworth, near Rochdale, Lancashire, grocer: in the Gaol of Lancaster.—*John Buckley*, Oldham, Lancashire, clogger: in the Gaol of Lancaster.—*John Bridge*, Bolton-le-Moors, Lancashire, beer-seller: in the Gaol of Lancaster.—*Edwin Fowden*, Manchester, brewer: in the Gaol of Lancaster.—*Chas. Pridmore*, Ashton-under-Lyne, Lancashire, provision dealer: in the Gaol of Lancaster.—*Alice B. Stokes*, Manchester, lodging-house keeper: in the Gaol of Lancaster.—*John Abbot*, Newton Heath, near Manchester, out of employment: in the Gaol of Lancaster.—*John Hughes*, Liverpool, joiner: in the Gaol of Lancaster.—*Charles Davies*, Liverpool, shoemaker: in the Gaol of Lancaster.—*George Mickle*, Blackburn, Lancashire, shoemaker: in the Gaol of Lancaster.—*Thomas Wealthall*, Hulme, Manchester, herbalist: in the Gaol of Lancaster.—*Wm. Seafie*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Laman*, Birkenhead, Cheshire, warehouse keeper: in the Gaol of Lancaster.—*Thomas Forskess*, Manchester, carter: in the Gaol of Lancaster.—*T. Walker*, Manchester, out of business: in the Gaol of Lancaster.—*D. Wills*, Manchester, agent for the sale of silk goods: in the Gaol of Lancaster.—*Edward Smith*, Liverpool, brewer: in the Gaol of Lancaster.—*Wm. F. Burdett*, Chorlton-upon-Medlock, Lancashire, cabinet maker: in the Gaol of Lancaster.—*William Brown*, Preston, Lancashire, gatekeeper to a railway company: in the Gaol of Lancaster.—*W. Chadwick*, Manchester, out of business: in the Gaol of Lancaster.—*Edward Turner*, Heywood, near Bury, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. Thompson*, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*B. J. Sutterby*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Augusto Oaldani*, Manchester, commission agent: in the Gaol of Lancaster.—*James Wooley*, Manchester, out of business: in the Gaol of Lancaster.—*Charles Starkey*, Dudley, Worcestershire, out of business: in the Gaol of Warwick.—*Edward Philpot*, Smethwick, Staffordshire, carpenter: in the Gaol of Warwick.—*R. Hulme*, Manchester, calenderer: in the Gaol of Lancaster.—*Henry Meyers*, Manchester, out of business: in the Gaol of Lancaster.—*Jehu Wain*, Manchester, stonemason: in the Gaol of Lancaster.—*Philip Briggs*, Manchester, schoolmaster: in the Gaol of Lancaster.—*Thomas Wormald*, Barton-on-Irwell, near Manchester, out of business: in the Gaol of Lancaster.—*Joseph Roberts*, Manchester, out of business: in the Gaol of Lancaster.—*James Lord*, Rossendale, Lancashire, out of business: in the Gaol of Lancaster.—*Alexander Leeson*, Manchester, out of business: in the Gaol of Lancashire.—*B. Smith*, Brentwood, Essex, grocer: in the Gaol of Springfield.—*Joseph Smith*, East Greenwich, Kent, clerk: in the Gaol of Maidstone.—*James Matley*, Ashton-under-Lyne, Lancashire, licensed victualler: in the Gaol of Lancaster.—*J. Sweeney*, Manchester, out of business: in the Gaol of Lancaster.—*Andrew Cockshut*, Blackburn, Lancashire, provision dealer: in the Gaol of Lancaster.—*Wm. Walters*, Clay Cross, North Wingfield, Derbyshire, beer-house keeper: in the Gaol of Derby.—*Anne Maria Woodroffe*, widow, Derby: in the Gaol of Derby.—*H. F. Keeling*, Leamington Priors, Warwickshire, in no profession: in the Gaol of Warwick.—*Sir W. O'Malley*, Knight, Upper Bangor, Carnarvonshire, barrack master: in the Gaol of Carnarvon.—*Wm. J. Hazel*, Southampton, shoemaker: in the Gaol of Winchester.—*C. Moore*, Southampton, licensed victualler: in the Gaol of Winchester.—*Thomas Ashkam*, Skipwith, near Selby, Yorkshire, out of business: in the Gaol of York.—*Wm. Case*, Bradford, Yorkshire, tailor: in the Gaol of York.—*S. H. Ward*, Ipswich, Suffolk, out of business: in the Gaol of Ipswich.—*Benjamin Northin*, Bowling, near Bradford, Yorkshire, staff presser: in the Gaol of York.—*Joseph England*, Huddersfield, Yorkshire, out of business: in the Gaol of York.—*Stephen Cowperthwaite*, Manningham, Yorkshire, bobbin maker: in the

Gaol of York.—*Thomas Oakip*, Leeds, Yorkshire, stonemason: in the Gaol of York.—*James Bades*, Birmingham, brass candlestick maker: in the Gaol of Warwick.—*Robert Granger Osborne*, Ryde, Isle of Wight, Southampton, tailor: in the Gaol of Winchester.—*Wm. Lazenby*, Kingston-upon-Hall, hackney cartman: in the Gaol of Kingston-upon-Hall.—*J. Binsion*, Liverpool, potato dealer: in the Gaol of Lancaster.—*Richard Freeman*, York, out of business: in the Gaol of York.—*Wm. Pashley*, Leeds, Yorkshire, out of business: in the Gaol of York.—*G. W. Wildman*, Bradford, Yorkshire, out of business: in the Gaol of York.—*John Rushworth*, Foulbridge, near Colne, Lancashire, cotton manufacturer: in the Gaol of Lancaster.—*H. Sagg*, Leeds, Yorkshire, book-keeper: in the Gaol of York.—*Thomas Lobley*, Batley Carr, near Dewsbury, Yorkshire, rag dealer: in the Gaol of York.—*John Supden*, Bradford, Yorkshire, out of business: in the Gaol of York.—*George Garnett*, Middlethorpe, in Morley, near Leeds, Yorkshire, weaver: in the Gaol of York.—*Robert May*, Carlstock Town, near Callington, Cornwall, carter: in the Gaol of Lancaster.—*Robert Nathan Rav*, Winkhill, near Idle, Yorkshire, pattern card cutter: in the Gaol of York.—*John Hollingworth*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Thomas Holmes*, Moor Allerton, near Leeds, Yorkshire, butter factor: in the Gaol of York.—*J. Rosendale*, Halifax, Yorkshire, carpenter: in the Gaol of York.—*James Almond*, York, out of business: in the Gaol of York.—*James Peel*, Little Horton, Bradford, Yorkshire, stonemason: in the Gaol of York.—*Joseph Hunt*, Polebrook, near Oundle, Northamptonshire, butcher: in the Gaol of Northampton.—*James Russell*, Burwash, Sussex, out of business: in the Gaol of Lewes.—*Thomas J. Aylward*, Playdon, near Rye, Sussex, out of business: in the Gaol of Lewes.—*Stephen Duke*, Preston, Suffolk, private in 17th Lancers: in the Gaol of Lewes.—*J. Rushworth*, Burnley, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. Rushworth*, Foulbridge, near Colne, Lancashire, cotton manufacturer: in the Gaol of Lancaster.—*J. Gawn*, Bramley Moorside, near Leeds, Yorkshire, cloth manufacturer: in the Gaol of York.—*Wm. Sharp*, Pudsey, near Leeds, Yorkshire, out of business: in the Gaol of York.—*John Evans*, Bangor, Carnarvonshire, auctioneer: in the Gaol of Carnarvon.—*Thomas Evans*, Gwernlwynfach, Dolais, Glamorganshire, contractor: in the Gaol of Cardiff.—*David Davies* the younger, Neath, Glamorganshire, railway contractor: in the Gaol of Cardiff.—*T. Leigh*, St. Helen's, Lancashire, out of business: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 20 at 10, before the CHIEF COMMISSIONER.*

*Charles Gaffe*, King-street, Hammersmith, Middlesex, cabinet maker.—*Isabelle Larousse*, Sloane-street, Chelsea, Middlesex, dressmaker.

*March 20 at 10, before Mr. Commissioner MURPHY.*

*Edmund J. Burman*, Lanadowne-road, Notting-hill, Middlesex, consulting surgeon.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at WINCHESTER, March 20.*

*Robert G. Osborne*, Ryde, Isle of Wight, tailor.

*At the County Court of Carnarvonshire, at CARNARVON, March 21 at 10.*

*Sir William O'Malley*, Knight, Bangor, barrack master of Fethard, Tipperary, Ireland.

*At the County Court of Montgomeryshire, at WELSHPOOL, March 22.*

*Edward Williams*, Cemmaes, general-shop keeper.

*At the County Court of Suffolk, at IPSWICH, March 23 at a quarter-past 1.*

*Stephen H. Ward*, Ipswich, out of business.

#### • MEETING.

*James Troup*, Portsea-place, Connaught-square, and Norfolk-street, Strand, Middlesex, and Hastings, Sussex, gentleman, March 23 at 12, at Will's Coffee-house, Serle-street, Lincoln's-inn, Middlesex, sp. aff.

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## THE JURIST.

LONDON, MARCH 17, 1855.

THE English are essentially a people of conservative tendencies, and love to preserve intact the institutions which, founded by the wisdom of their forefathers, have been handed down to them through successive ages. Hence the primary difficulty of introducing reforms, whether of a social, political, or legal nature. Notwithstanding, however, this characteristic of our countrymen, let a particular reform be once introduced, and let it obtain possession of the popular or parliamentary mind, they become so enamoured of it as to think that it cannot be pushed too far; they hurry, as it were, to the very verge of a precipice, and then, if they do not go over it, they become panic-stricken, retrace their steps with indecent haste, until they fall into the opposite extreme, and settle down more conservative than ever. Such will probably be the fate of law reform, the prevalent hobby of the present day. There was much, there is still some, need of improvement in our laws. We have always supported the movement in this direction, and will continue to support it, so long as it pursues a safe and moderate course; but we protest against the half and quarter measures incessantly brought forward for law amendment; not parts of a comprehensive and harmonious system, nor adapted to such a system of jurisprudence as we possess, but little disjointed alterations, which stuff our statutes with useless, hurtful, and piecemeal

No. 10, VOL. I., NEW SERIES.

provisions. In the words of an old proverb, "it is better to buy a new kettle than to be always tinkering."

The run at the present moment is against one of the highest privileges we enjoy—at all events, in criminal procedure—viz. trial by jury. Within the last few years this privilege, so lauded and venerated by our ancestors, has been much weakened. The judges of the county courts were first empowered to decide civil cases without the intervention of a jury. The power was then extended, by the Common-law Procedure Act, to the judges of the superior courts at Westminster, and to magistrates in certain criminal cases, under the Juvenile Offenders Act. It is now further assailed in the bill lately introduced into the House of Lords by the Lord Chancellor, who proposes to give jurisdiction to two justices to deal summarily with larcenies where the value of the property stolen does not exceed 10s., and in such case to authorise them to inflict imprisonment, with hard labour, for one year. It is further proposed, that if the prisoner pleads guilty, the magistrates may sentence the offender, whatever be the value of the property. The main arguments in support of this measure are two—First, that by the law as it at present stands, where a prisoner has been guilty of some petty theft, and is committed for trial, his imprisonment before his trial often exceeds the amount of punishment which would be allotted to his offence after a verdict of guilty. Such cases doubtless do occur, but they are few in number, and of too isolated a character to form a basis for legislation. Secondly, it is urged that there would

be a great saving in the expenditure of the county rates, which we fully admit. A very large number of the cases tried at quarter sessions are larcenies, where the value of the property stolen does not exceed 10s.; but we presume considerations of economy will not be allowed to outweigh those which are due to the impartial, unsuspected administration of justice, and to the protection of those who are accused of having committed crimes. The proposal is nothing more nor less than this—to transfer to two magistrates, acting without a jury or a bar, and often without even a reporter for the press to check them, the power of convicting for *felony*, and of imposing imprisonment, with hard labour, for one year, instead of having such cases tried at quarter sessions by a jury in a public court, attended by a bar and by reporters for the press. Do the decisions of magistrates in petty sessions give so much satisfaction that we can safely intrust them with this power? Have we forgotten even very recent instances of magisterial justice and wisdom? The power of summary conviction, as it is at present vested in magistrates, is an extraordinary power, unknown to the common law; but its limits are in general accurately defined by the statute under which the proceedings are taken, and from which alone the magistrate derives his power; the offence never exceeds a misdemeanour of a comparatively petty character, and the punishment limited by the statute is, in general, imprisonment for three months. A clear distinction has been hitherto preserved between such cases and felonies, and magistrates have never yet had the power to brand a man as a felon for the rest of his life without the verdict of a jury having first been pronounced upon his guilt. At quarter sessions, the Bench, the Bar, and the Jury are checks as well as aids to each other. If the Bench or the prosecuting counsel unduly strain the case against the prisoner, the members of the Bar who are present, and sometimes the jury, will interfere in his behalf. Nice distinctions often arise as to what constitutes larceny—sometimes intricate points as to the admissibility and relevancy of evidence. Deprive the prisoner of his trial by jury, alter the constitution of the Court, dispense with the assistance of the Bar and the supervision of the press, what aids remain to enable the magistrates satisfactorily to administer justice, or what checks are left to insure to the prisoner a fair trial? The respect which is paid to the law in this country is founded upon a belief that justice is in general impartially administered, and that if a poor man is charged with an offence, it is known that he will be tried, not by the titled, the wealthy, or the powerful, but by a jury of men approaching his own station; and whatever may be the result, he feels some satisfaction that his case has been thus decided. His censure must fall upon his own order, rather than upon those above him. There are few of our readers who have not heard of the remark of the convicted thief, who, when sentenced to imprisonment by a magistrate, answered that he should not have minded it if he had been tried in a real court by a real judge.

It must not be forgotten that the jurisdiction exercised by justices of the peace is open to all the objections that attach to *local* jurisdictions as such. They probably know the prosecutor; they know, or may fancy they know, something of the prisoner; have heard of his being of a sportsmanlike turn, and of his frequenting beer-houses; the offence may have been freely canvassed by the judge and his neighbours before the trial of the party charged with it.

But then, it is said, the prisoner has an option whether he will be tried by jury. Is not the fact of giving this option in itself a proof of the doubts which exist in the minds of the framers of this measure as to the soundness of its principle? But whether it be so or not, we see but little safeguard in this optional reservation of the common-law right. Those who are

charged with offences for the first time, at all events, will scarcely ever understand the meaning of the option, or will believe (and not always without foundation) that if they decline the jurisdiction before which they are brought in the first instance, they will be more hardly dealt with, as regards their committal and the refusal of bail, and as regards their sentence, if they should be found guilty at the sessions.

We are next told that the value of the article stolen is fixed at a low standard. But what of that if the offence be a *felony*, and the person convicted be ever after regarded as a *felon*, not only in the law, but in the eyes of his own class, and of those who might otherwise enable him to earn his bread when he came out of prison? The value of the article (if it can be accurately ascertained) does not render the case less complicated or difficult in its circumstances, nor exclude those questions relating to the nature of the offence, and the evidence by which it should be supported, which are constantly arising in our courts of criminal jurisdiction.

Upon the subject of the value of the article stolen, as of punishment to be awarded, we fear the framers of the bill had but very crude and vague ideas, as well as very little confidence in the new principle they seek to introduce; for upon an objection being started to the investiture of magistrates with so much power as was at first proposed, namely, over larcenies, where the value of the subject-matter did not exceed 20s., and with authority to imprison for two years, the Lord Chancellor on the very next evening reduced the value and punishment by one-half!

We believe that no greater evil could befall this country than the abolition of trial by jury in criminal matters. All lawyers who have had most experience in such cases will, we are satisfied, indorse our opinion upon this subject; and we once heard an eminent member of the Bar say, that he thought trial by jury of more importance to the people of this country than the House of Commons itself. If, however, another tribunal is to be substituted for a jury, it is to be devoutly hoped that it will be one possessing more of the public confidence than has generally been awarded to two justices sitting in petty sessions.

#### PRESUMPTION OF SURVIVORSHIP.

On a former occasion, when alluding to the case of *Underwood v. Wing*, (1 Jur., N. S., part 1, p. 169), in which it was held, that husband and wife being washed overboard from a ship in distress during a gale of wind, and drowned, there was no presumption of survivorship, we stated that the views propounded upon this subject by Mr. Best, in his "*Principles of the Law of Evidence*," had been fully confirmed by that decision. We now subjoin an extract from that part of the book to which we alluded. (Best's Princ. Ev. 478, 2nd ed.):—

"As connected with the subject of the continuance of human life, it remains to notice a class of cases which have embarrassed, more or less, the jurists and lawyers of every country. We allude to those unfortunate cases which have from time to time presented themselves, where several individuals, generally of the same family, have perished by a common calamity, such as shipwreck, earthquake, conflagration, or battle, and where most usually the priority in point of time of the death of one over the rest would exercise an influence on the rights of third parties. The civil law and its commentators were considerably occupied with questions of this nature, and it seems to have been a general principle among them, (subject, however, to exceptions), that where the parties thus perishing together were parent and child, the latter, if under the age

of puberty, was presumed to have died first; but if above that age, the rule was reversed. In the case of husband and wife, the presumption seems to have been in favour of the survivorship of the husband. The French authors also, both ancient and modern, have taken much pains on this subject. All the theories that have been formed respecting it are based on the assumption that the party deemed to have survived was likely, from superior strength, to have struggled longer against death than his companion. Now, even assuming that *prima facie* a male would struggle longer against death than a female, a person of mature age than one under that of puberty, or very far advanced in years, the position can at best only hold good as a general rule; for not only in particular instances might the superior strength or health of the party supposed to be the weaker reverse all, but the rules rest upon the hypothesis that both parties were in exactly the same situation with respect to the impending danger—a circumstance, generally speaking, unascertainable in the fury of a battle, or the horrors of an earthquake or shipwreck. Add to this, that, according to some modern physiologists, in certain species of deaths the strongest perish first\*.

"However this may be, in opening the door to this class of questions the lawyers of Rome and France lost sight of this salutary maxim, '*Nimia subtilitas in jure reprobatur.*' The English law has judged more wisely; for, notwithstanding some questionable dicta, the true conclusion from the authorities seems to be, that it recognises no artificial presumption in cases of this nature, but leaves the real or supposed superior strength of one of the persons perishing by a common calamity to its natural weight, i. e. as a *circumstance* proper to be taken into consideration by a jury or ecclesiastical judge, but which, standing alone, is insufficient to shift the burden of proof. When, therefore, a party, on whom lies the onus of proving the survivorship of one individual over another, has no other evidence than the assumption, that, from age or sex, that individual must be taken to have struggled longer against death than his companion, he cannot succeed. But then, on the other hand, it is not correct to suppose that the law presumes both to have perished at the same moment; this would be establishing an artificial presumption against manifest probability. The practical consequence is, however, nearly the same, because, if it cannot be shewn which died first, the question will be treated by the tribunal as a thing unascertainable, and that, for all that appears to the contrary, both individuals may have died at the same moment."

#### PUBLIC EXAMINATION.—TRINITY TERM, 1855.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

\* "See Beck's *Juris*. 397, 7th ed., where is related an incident furnished by a modern traveller, who, in giving an account of a caravan coming in want of water in a Nubian desert, says that 'the youngest slaves bore the thirst better than the rest; and that while the grown-up boys all died, the children reached Egypt in safety.' The same author adds, 'As to habit and variety of constitution, all such as have a tendency to affections of the head and lungs should be deemed the first victims, in case the causes of death are of a description to affect these. And the moral condition must not be overlooked: the brave survive the fearful and the nervous.' We subjoin the following statement, though not from a work of authority:—'It seems that death from hunger occurs sooner in the young and robust, their vital organs being accustomed to greater action than those of persons past the adult age.' (Chambers's *Miscellany*, vol. 8, p. 119)."

"As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations, and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day."

"No student shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

#### RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Trinity Term, to which a student of any of the Inns of Court, who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Friday, the 11th day of May next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Friday, the 18th day of May next, and will be continued on the Saturday and Monday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Friday morning, the 18th May, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Saturday morning, the 19th May, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Monday morning, the 21st May, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on Monday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary, according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being

had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question, whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations, until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

The READER ON CONSTITUTIONAL LAW and LEGAL HISTORY will expect the candidates for honours in the ensuing examination to have mastered the

First, second, seventh, eighth, and fifteenth chapters of Hallam's Constitutional History; the chapter in Foster's Crown Law relating to the Law of Treason, and the chapter on the same subject in Mr. Stephen's edition of Blackstone's Commentaries; the chapters in Rapin's History of England containing the reign of Charles I; and those in Tindal's continuation of Rapin, or Belsham's History, containing the reign of William III; and the first volume of Clarendon's History of the Rebellion.

He will expect them to be acquainted with the remarkable State Trials in the reigns of Charles II and William III.

He will expect the candidates for a pass to be able to answer any question bearing upon the leading events of English History, and to be well acquainted with

The first, eighth, and thirteenth chapters of Hallam's Constitutional History, and the chapters in Rapin containing the History of Charles I.

The READER ON EQUITY proposes to examine in the following books and subjects:—

1. Smith's Manual of Equity Jurisprudence; the Act for the Improvement of Equity Jurisdiction, 15 & 16 Vict. c. 86.

2. White & Tudor's Leading Cases, (with the Notes), vol. 1, particularly as regards the subjects of Voluntary Settlements, and the Rights of Married Women recognised in a Court of Equity only.

Candidates for certificates of fitness to be called to the Bar will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for the studentship or honours will be examined in the books mentioned in the two classes.

The READER ON THE LAW OF REAL PROPERTY proposes to examine in the following books and subjects:—

1. Williams—Real Property; Stephen—Commentaries, vol. 1; Sugden—Powers, vol. 1.

2. The Statute of Limitations, 3 & 4 Will. 4, c. 27.

3. The Statute of Wills, 1 Vict. c. 26, ss. 24—33.

4. Sales of Real Estate by Trustees or Executors in pursuance of a trust or a power; and the Liability of Purchasers to see to the Application of their Purchase Money. (Sugden—Powers, vol. 1, p. 129; vol. 2, p. 464; *Stroughill v. Anstey*, 1 De G., Mac., & G. 635).

Candidates for honours will be examined in all the foregoing books and subjects. Candidates for a certificate will be examined in those mentioned in part 1.

The READER ON JURISPRUDENCE and the CIVIL LAW proposes to examine candidates for honours in the following subjects:—

1. The first two books of the Commentaries of Gaius.  
2. The last two titles of the fiftieth book of the Digest, "De Verborum Significatione" and "De Regulis Juris."

3. The sixth, seventh, and eighth Lectures of Kent on International Law.

4. The tenth, eleventh, and twelfth chapters of the second book of Grotius, "De Jure Pacis et Belli."

Candidates for a pass certificate will be examined in—

1. The first two books of the Institutes of Justinian, with the Notes contained in Sandars's edition.

2. The seventh and eighth Lectures of Kent on International Law.

The READER ON COMMON LAW proposes to examine in the following books and subjects:—

Candidates for a certificate will be examined in—

1. The ordinary steps and proceedings in an Action at Law as regulated by the stats. 15 & 16 Vict. c. 76, and 17 & 18 Vict. c. 125. (This subject may be read from Smith's Elementary View of an Action at Law, 5th ed.)

2. The Nature and Classification of Contracts. (Smith's Lectures on the Law of Contracts, Lect. 1).

3. The Elements of our Criminal Law in relation to the following offences:—Burglary, Simple Larceny at Common Law, and Embezzlement. (Archbold's Criminal Pleading, 12th ed., book 2, part 1, under the above titles).

Candidates for honours will be examined in the first and third of the foregoing subjects, and also in—

4. The Law of Principal and Agent, and of Partners. (Smith's Mercantile Law, 5th ed., book 1, chaps. 2 and 5). In connexion with the Law of Partners should also be read *Waugh v. Carver* (1 Smith's L. C. 491) and *Buckley v. Barber*, (6 Exch. 164).

5. The Rights and Obligations of Carriers of Goods and Passengers. (Story on Bailments, 5th ed., chap. 6, arts. 8 and 9).

By order of the Council,

RICHARD BETHELL, Chairman.

Council Chamber, Lincoln's Inn, March 8, 1855.

### London Gazettes.

FRIDAY, MARCH 9.

#### BANKRUPTS.

SAMUEL ADAMS, New-court, Goswell-street, Middlessex, licensed victualler, dealer and chapman, March 19 and April 13 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed March 7.

GEORGE HUTCHISON, Palace-row, New-road, Middlesex, timber merchant, March 20 at half-past 2, and April 24 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Taylor, 15, South-street, Finsbury-square, London.—Petition filed March 7.

SAMUEL PERKES, late of Walbrook, now of Vulcan-wharf, Earl-street, Blackfriars, London, engineer, manufacturer of and dealer in machines for the crushing of ores, and manufacturer of and dealer in bedsteads, dealer and chapman, (trading under the style of S. Perkes & Co.), March 20 and April 18 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Indermaur, 1, Devonshire-terrace, High-street, Marylebone.—Petition filed Feb. 24.

EDWARD BURNELL, Hoandsditch, and Skinner's-place, Leadenhall-market, London, baker, dealer and chapman, March 15 at 1, and April 25 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. G. & E. Hillcary, 5, Fenchurch-buildings, Fenchurch-street.—Petition dated March 6.

ROBERT FOWLER, Bayford, near Wincanton, Somersetshire, pork butcher and butter dealer, March 20 and April 20 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol.—Petition filed March 5.

**EDWARD CARRINGTON**, Birmingham, grocer, March 24 and April 20 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham.—Petition dated March 5.

**GEORGE MAJOR**, Swindon, Wiltshire, builder, dealer and chapman, March 20 and April 17 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Brown, Swindon; Prideaux, Bristol.—Petition filed March 8.

**JOHN BALKWILL**, Exeter, boot and shoe maker, March 19 and April 19 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Terrell, Exeter.—Petition filed March 3.

**JOHN DIXON PARRY**, Sutton, near St. Helen's, Lancashire, brewer, March 23 and April 13 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Payne, Liverpool.—Petition filed March 6.

**JOSIAH GARFATT**, Northwich, Cheshire, tailor and draper, dealer and chapman, March 20 and April 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Palgrave, Liverpool; J. & J. H. Linklater, 17, Sisle-lane, London.—Petition filed Feb. 23.

**THOMAS HALL**, Oldham, Lancashire, bobbin manufacturer and steam sawyer and planer, dealer and chapman, March 19 and April 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Cobbett & Wheeler, Manchester.—Petition filed March 1.

**PATRICK SHANLEY**, Manchester, boot and shoe dealer, March 20 and April 17 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Rowley & Son, Manchester.—Petition filed March 7.

**WILLIAM RILEY, JAMES LUPTON, ROBERT HALSTEAD, and JOHN HAWORTH**, Burnley, Lancashire, cloth manufacturers, dealers and chapmen, (trading under the style or firm of Riley, Lupton, & Co.), March 22 and April 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. Atkinsons & Last, Manchester.—Petition filed March 6.

#### MEETINGS.

*J. W. Cole*, Birchin-lane, London, merchant, March 23 at 12, Court of Bankruptcy, London, last ex.—*Charles Dixon*, Gateshead, Durham, draper, March 23 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*A. Devin* the younger, Red Lion-square, Holborn, Middlesex, jeweller, March 23 at 12, Court of Bankruptcy, London, aud. ac.—*J. Trepense*, Oxford-st., Middlesex, shoe manufacturer, March 29 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Robt. Smith*, Newcastle-st., Strand, Middlesex, licensed victualler, March 23 at 12, Court of Bankruptcy, London, aud. ac.—*J. Mackness*, Stratford, West Ham, Essex, baker, March 23 at 12, Court of Bankruptcy, London, aud. ac.—*Joseph Hayman Arnold and Wm. Henry Woollett*, Clement's-lane, London, ship agents, March 20 at 12, Court of Bankruptcy, London, pr. d.—*Elizabeth Taylor*, Croom's-hill, Greenwich, Kent, licensed victualler, March 27 at 1, Court of Bankruptcy, London, aud. ac.—*John Batters*, Tokenhouse-yard, London, ship owner, March 27 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Hall*, Fordingbridge, Southampton, butcher, March 27 at 1, Court of Bankruptcy, London, aud. ac.—*Richard Ginks*, Hartlebury, Worcestershire, wheelwright, March 29 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; April 5 at half-past 10, div.—*John S. Smith*, Liverpool, drysalter, March 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*James Robinson*, Manchester, perfumer, March 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Wm. Shipman*, Manchester, baker, March 20 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Wm. Littlejohn Dowie*, Manchester, tailor, March 20 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Charles Dixon*, Gateshead, Durham, draper, March 23 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*George Smith*, Liverpool, tailor, March 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; April 2 at 11, div.—*Jonathan Porritt*, Batley, Yorkshire, worsted spinner, March 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*John Mitchell*, Morton, Bingley, Yorkshire, worsted spinner, March 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*William Bruston*, Bradford, Yorkshire, joiner, March 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Thomas Dixon*, Bradford, Yorkshire, iron merchant, March 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Isaac Blackburn and Wm. S.*

*Stiedel*, Leeds, Yorkshire, ironfounders, March 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*John Whitaker Rowbottom*, Halifax, Yorkshire, boiler maker, March 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*William Pearce*, Clerkenwell-green, Middlesex, gas fitter, March 30 at half-past 12, Court of Bankruptcy, London, div.—*Frederick Smith*, Standon, near Ware, Hertfordshire, miller, March 30 at half-past 11, Court of Bankruptcy, London, div.—*Chas. Lord*, Fleet-street, London, tailor, March 30 at 11, Court of Bankruptcy, London, div.—*Henry Simons*, Woolwich, Kent, linendraper, March 31 at 11, Court of Bankruptcy, London, div.—*Wm. Hill and Wm. Kemble Wackerbarth*, Leadenhall-street, London, ship agents, March 30 at 12, Court of Bankruptcy, London, fin. div.—*J. Whiting Fisher and J. Basy*, Norwich, cabinet makers, March 30 at 12, Court of Bankruptcy, London, div.—*James Boulter*, Crescent, Southwark-bridge-road, Surrey, hat manufacturer, March 30 at 11, Court of Bankruptcy, London, fin. div.—*Lewis Benjamin*, Princes-street, Leicester-square, Middlesex, jeweller, March 30 at 11, Court of Bankruptcy, London, div.—*John Clay*, Wednesfield, Staffordshire, timber merchant, April 5 at half-past 10, District Court of Bankruptcy, Birmingham, div.—*W. Walford*, Wolverhampton, Staffordshire, common brewer, March 31 at 12, District Court of Bankruptcy, Birmingham, fin. div.—*W. Rollason* the younger, Birmingham, tin-plate worker, March 31 at 12, District Court of Bankruptcy, Birmingham, div.—*J. Parry*, Liverpool, bricklayer, April 3 at 11, District Court of Bankruptcy, Liverpool, div.—*Edward Brattan*, Northwich, Cheshire, upholsterer, April 2 at 11, District Court of Bankruptcy, Liverpool, div.—*Joseph Ellis*, Bishopthorpe, Yorkshire, shoemaker, March 31 at 12, District Court of Bankruptcy, Leeds, div.—*John Allott*, Sandal Magna, Yorkshire, banker, March 30 at 11, District Court of Bankruptcy, Leeds, div.—*John Ellis Watkinson*, Halifax, Yorkshire, grocer, March 30 at 11, District Court of Bankruptcy, Leeds, div.—*John Bloomer and Jonathan Philipps*, Sheffield, Yorkshire, joiners'-tool manufacturers, March 31 at 12, District Court of Bankruptcy, Sheffield, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Henry Newby*, North-place, Kingsland-road, Middlesex, builder, April 3 at 11, Court of Bankruptcy, London.—*Matthias E. Bowers*, Crayford, Kent, India rubber manufacturer, March 31 at half-past 12, Court of Bankruptcy, London.—*Wm. Pearce*, Clerkenwell-green, Middlesex, gas fitter, March 31 at half-past 11, Court of Bankruptcy, London.—*Henry Simons*, Woolwich, Kent, linendraper, March 31 at 11, Court of Bankruptcy, London.—*Thomas Sturges*, Stockwell, Surrey, licensed victualler, March 31 at half-past 12, Court of Bankruptcy, London.—*James Digby*, Birch, Essex, miller, March 30 at 12, Court of Bankruptcy, London.—*Benjamin W. Pearce*, Bayham-terrace, Camden-town, Middlesex, builder, March 30 at 11, Court of Bankruptcy, London.—*Charles Onken*, Ropemakers-street, Finsbury, Middlesex, coachmaker, March 30 at 12, Court of Bankruptcy, London.—*John Stevens*, Fetter-lane, London, cheesemonger, March 30 at 1, Court of Bankruptcy, London.—*J. Welch*, Barnsbury-place, Upper-street, Islington, Middlesex, innkeeper, March 30 at 11, Court of Bankruptcy, London.—*Thomas H. Hodson*, Peckforton, near Beccaton, Cheshire, sheep dealer, April 3 at 11, District Court of Bankruptcy, Liverpool.—*John W. Shaw*, Liverpool, passenger broker, April 2 at 11, District Court of Bankruptcy, Liverpool.—*Jonathan Wright, Wm. Wright, and Lupton Wright*, Oxenhope, near Keighley, Yorkshire, worsted spinners, March 30 at 11, District Court of Bankruptcy, Leeds.—*Abram Hanson*, Huddersfield, Yorkshire, yarn manufacturer, April 2 at 12, District Court of Bankruptcy, Leeds.

*To be granted, unless an appeal be duly entered.*

*Frederick W. Thomas*, Leadenhall-st., London, auctioneer.—*John Evans*, Exeter, bookseller.—*Robert Board*, Churchingford, Devonshire, blacksmith.—*Naphtali Hart*, Liverpool, butcher.—*Joseph Whitehead*, Bradford, Yorkshire, coach builder.

#### PETITION ANNULLED.

*John Hall*, Purfleet Wharf, Camden-town, Middlesex, wharfinger.

#### SCOTCH SEQUESTRATIONS.

*Wm. York*, Glasgow, builder.—*James Sutherland*, Inver-



ness, distiller.—*Joseph Littlefair*, Glasgow, tailor.—*Henry Glass*, Linktown, Kirkcaldy, manufacturer.

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*J. Kirtland*, Wendlebury, Oxfordshire, licensed victualler, March 24 at 11, County Court of Oxfordshire, at Bicester.—*John S. Aird*, Chilton Moor, Durham, cattle dealer, March 26 at 10, County Court of Durham, at Durham.—*Joseph Shephard*, Newark-upon-Trent, Nottinghamshire, butcher, March 24 at 9, County Court of Nottinghamshire, at Newark.—*Jonathan Barrett*, Southowram, Halifax, Yorkshire, quarryman, March 23 at 10, County Court of Yorkshire, at Halifax.—*Robert A. H. Adams*, Ludlow, Shropshire, writing clerk, March 15 at 10, County Court of Shropshire, at Ludlow.—*James Hammond*, Tipton, Staffordshire, in no business, March 23 at 10, County Court of Worcestershire, at Dudley.—*Timothy Smith Millward*, Tividale, near Dudley, retail brewer, March 23 at 10, County Court of Worcestershire, at Dudley.—*Thomas Higgs*, Tipton, Staffordshire, miner, March 23 at 10, County Court of Worcestershire, at Dudley.—*Robert Potts*, Chester, dealer in hay, March 14 at 10, County Court of Cheshire, at Chester Castle.—*Robert Sadler*, Crakehall, near Bedale, Yorkshire, shoemaker, March 24 at 10, County Court of Yorkshire, at Northallerton.—*Caroline Deadman*, Abingdon, Berkshire, schoolmistress, March 22 at half-past 10, County Court of Berkshire, at Abingdon.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 23 at 10, before the CHIEF COMMISSIONER.*

*William Ainsworth*, Leatherhead, Surrey, watchmaker.—*George Ball*, Buckingham-road, Kingland-road, Middlesex, earthenware dealer.—*Patrick Neilan*, Tynemouth-terrace, Commercial-road East, Middlesex, bottled beer merchant.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 23 at 10, before the CHIEF COMMISSIONER.*

*John Doughty*, York-street, Westminster, Middlesex, baker.—*Samuel Daniell*, Judd-street, Brunswick-square, Middlesex, plumber.—*Benj. Jones*, Jewin-crescent, Jewin-street, London, wool carder.—*Benj. John Beewick*, Chenies-mews, near Tottenham-court-road, Middlesex, coachsmith.—*George Whitley*, Argyle-street, New-road, Middlesex, clerk to a solicitor.

*March 23 at 10, before Mr. Commissioner MURPHY.*

*George Soper*, Great Guildford-street, Holland-street, Surrey, shopman to a linendraper.—*Richard Rumble*, Pleasant-place, Holloway, Middlesex, and White Rose-court, Coleman-street, London, tailor.—*Edward Hammond*, Moore-street, Soho, Middlesex, baker.—*Charles Wm. Palmer*, Belvedere-road, Lambeth, Surrey, labourer at a soap factory.—*Frederick Brain*, The Retreat, Albany-road, Old Kent-road, Surrey, manufacturer in ivory.—*Stephen G. Errall*, Grafton-street East, Middlesex, tailor.—*James Skimmon*, Canterbury-terrace, Bereaford-street, Walworth, Surrey, linendraper.

*March 24 at 11, before Mr. Commissioner PHILLIPS.*

*Robert Williams*, George-street, Southampton-street, Pentonville, Middlesex, ironfounder.—*Henry Else*, Buckingham-place, Victoria-road, Picnic, Middlesex, out of business.—*Wm. Kipling*, Gainford, Durham, surgeon.—*B. Blackman*, The Hippodrome Cottage, Bayswater, Middlesex, out of business.—*Richard Liddington*, Little Portland-street, Cavendish-square, Middlesex, out of business.

*March 26 at 11, before Mr. Commissioner PHILLIPS.*

*William Herrick*, New Tothill-street, Westminster, Middlesex, bricklayer.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Glamorganshire, at CARDIFF, March 23.*

*Thomas Evans*, Gwerlwynfach, Dowlais, near Merthyr

Tydvil, contractor.—*Issac Jenkins*, Mountain Ash, Aberdare, labourer.

*At the County Court of Carnarvonshire, at CARNARVON, March 24 at 10.*

*John Evans*, Bangor, auctioneer.

*At the County Court of Yorkshire, at YORK CASTLE, March 26.*

*David Crabtree*, Bradford, grocer.—*John Till* the younger, Leeds, tailor's foreman.—*W. Brown*, Sheffield, fork grinder.—*V. Moron*, Hanslet, near Leeds, bookkeeper.—*Wm. Hepworth*, Wakefield, out of business.—*Wm. F. Miller*, Beverley, smith.—*Daniel Addison*, York, out of business.—*John Prid*, York, out of business.—*Frederick Barnley*, York, out of business.—*James Almond*, York, out of business.—*D. Haigh*, Hanging Heaton, near Dewsbury, tailor.—*William Pasley*, Leeds, out of business.—*Matthew Marshall*, Leeds, out of business.—*Joseph Rosendale*, Halifax, carpenter.—*John Hollingworth*, Leeds, out of business.—*Thomas Calip*, Leeds, stonemason.—*Henry Sagg*, Leeds, bookkeeper.—*Wm. Cus*, Bradford, tailor.—*Thomas Lobley*, Batley Carr, near Dewsbury, rag dealer.—*T. Holmes*, Moor Allerton, near Leeds, butter factor.—*George Garnett*, Middlethorpe in Morley, near Leeds, weaver.—*John Gaunt*, Bramley Moor-side, near Leeds, cloth manufacturer.—*John Sugden*, Bradford, out of business.—*Thomas Asham*, Skipwith, near Selby, out of business.—*Robert N. Raw*, Windmill, near Idle, pattern card cutter.—*G. W. Wildman*, Bradford, out of business.—*E. Hopkins*, Leeds, fish salesman.—*James Peel*, Little Horton, Bradford, stonemason.—*Wm. Halliday*, Leeds, out of business.—*Benjamin Northin*, Bowling, near Bradford, staff presser.—*Frederick Rogers*, York, out of business.—*Joseph England*, Huddersfield, out of business.—*Richard Freeman*, York, out of business.—*Joseph Raistrick*, Little Horton, near Bradford, out of business.—*Stephen Coopershawite*, Munningham, near Bradford, bobbin maker.

*At the County Court of Northumberland, at BERWICK, March 28.*

*S. Steven*, Berwick-upon-Tweed, wire worker.

*At the County Court of Cardiganshire, at CARDIGAN, March 29 at 10.*

*John Davies*, Cardigan, shoemaker.

## TUESDAY, MARCH 13.

### BANKRUPTS.

**CORNELIUS AUBREY MARKHAM**, Godmanchester, Huntingdonshire, currier and leather cutter, grocer, and coal merchant, March 26 at 2, and April 24 at 1, Court of Bankruptcy, London: Off. Ass. Stanfeld; Sols. Sewell & Co., 51, Old Broad-street, City.—Petition filed March 7.

**RICHARD RUSSELL**, Leamington Priors, Warwickshire, printer, dealer and chapman, March 30 and April 20 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Field, Leamington; Hodgson, Birmingham.—Petition dated March 10.

**ROBERT RIMMER**, Tenbury, Worcestershire, publican, April 2 and 23 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Saunders & Son, Kidderminster; Motteram & Knight, Birmingham.—Petition dated March 9.

**JOSEPH KELL**, Brierly-hill, Staffordshire, grocer, dealer and chapman, April 2 and 23 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Hounfray, Halesowen; Hodgson, Birmingham.—Petition dated March 8.

**EDWARD DAWES**, Wolverhampton, Staffordshire, licensed victualler and timber dealer, dealer and chapman, March 30 and April 20 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Pinchard & Shelton, Wolverhampton; Hodgson, Birmingham.—Petition dated March 1.

**JOSIAH HARRIS**, Hepwell Mills, Quethiock, Cornwall, miller, dealer and chapman, March 19 and April 19 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Sargeant, Liskeard; Stogdon, Exeter.—Petition filed March 3.

**WILLIAM CLAREBROUGH**, Sheffield, Yorkshire, mason and builder, March 24 and April 21 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Petition dated March 2, and filed March 3.

**THOMAS FIDDES MEYRICK**, Wolverhampton, Staffordshire, commission agent, coal dealer, dealer and chapman, April 2 and 30 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Kitson, Wolverhampton; E. & H. Wright, Birmingham.—Petition dated March 10.

**JOHN NORRISH GREENSLADE**, Nethercott Farm, Oakford, Devonshire, farmer, butcher, cattle salesman, and seed dealer, March 19 and April 19 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirstel; Sol. Turner, Exeter.—Petition filed March 12.

**JOHN SMITH**, Horton, Bradford, Yorkshire, innkeeper, dealer and chapman, March 27 at half-past 11, and April 17 at half-past 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Gmt, Bradford; Bond & Barwick, Leeds.—Petition dated March 2.

**STEPHEN COWPERTHWAYTE**, Manningham, Bradford, Yorkshire, bobbin turner, dealer and chapman, March 27 at 1, and April 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Bentley & Wood, Bradford; Cariss & Cudworth, Leeds.—Petition dated March 1.

**WILLIAM BIRKS**, Sheffield, Yorkshire, brush manufacturer, March 24 and April 21 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Petition dated March 7, and filed March 8.

**JOHN JONES**, Ancoats, Manchester, innkeeper, dealer and chapman, March 28 and April 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Cooper & Sons, Manchester.—Petition filed Feb. 28.

**JOHN LOWE**, Salford, Lancashire, slate merchant, dealer and chapman, March 23 and April 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Marriott, Manchester.—Petition filed March 1.

#### MEETINGS.

*Joshua Vines and James Smith*, Dover-road, Borough, Surrey, builders, April 3 at 1, Court of Bankruptcy, London, last ex.—*Frederick Smith*, Standon, near Ware, Hertfordshire, miller, March 23 at 12, Court of Bankruptcy, London, and. ac.—*Wm. Hill and Wm. K. Wackerbarth*, Leadenhall-street, London, insurance agents, March 23 at half-past 11, Court of Bankruptcy, London, and. ac.—*Joseph Windle Cole*, Birchall-lane, London, merchant, March 26 at 1, Court of Bankruptcy, London, and. ac.—*Wm. Rollason* the younger, Birmingham, tin-plate worker, March 30 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*Joseph Ellis*, Bishopthorpe, Yorkshire, farmer, March 31 at half-past 11, District Court of Bankruptcy, Leeds, and. ac.; at 12, div.—*Thomas Whitaker*, Holderness, Yorkshire, horse dealer, March 28 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and. ac.—*Charles Lovell*, Wisbeach St. Peter, Cambridgeshire, shoe manufacturer, April 12 at 11, Court of Bankruptcy, London, div.—*Charles Brocklesby*, Charlotte-street, Fitzroy-square, Middlesex, tailor, April 5 at 1, Court of Bankruptcy, London, div.—*Frederick C. Dodsworth*, Turnham-green, Middlesex, surgeon, April 3 at 11, Court of Bankruptcy, London, div.—*Henry Savill*, Colchester, Essex, grocer, April 3 at half-past 12, Court of Bankruptcy, London, div.—*James W. Aldridge*, Witham, Essex, corn merchant, April 3 at 2, Court of Bankruptcy, London, div.—*Wm. Shipman*, Deansgate, Manchester, baker, April 3 at 12, District Court of Bankruptcy, Manchester, div.—*Robert Atkinson*, Hornington, Yorkshire, oil manufacturer, April 5 at 11, District Court of Bankruptcy, Leeds, div.—*John Roper and William Mitchell*, Keighley, Yorkshire, worsted spinners, April 5 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*William Thomas Ashwin*, Montpelier-vale, Blackheath, Kent, chemist, April 3 at half-past 2, Court of Bankruptcy London.—*William Bucknell and Thomas Jones*, Duke-street, Southwark, Surrey, dealers in cement, April 4 at half-past 1, Court of Bankruptcy, London.—*Edward Murus*, Maidstone, Kent, licensed victualler, April 3 at 2, Court of Bankruptcy, London.—*David E. Davies*, Pontypridd, Glamorganshire, grocer, April 13 at 11, District Court of Bankruptcy, Bristol.—*John Coson*, Macclesfield, Cheshire, butcher, April 4 at 12, District Court of Bankruptcy, Manchester.—*James Sidebotham*, Manchester, grocer, April 3 at 12, District Court of Bankruptcy, Manchester.—*Betty Barrow* and

*James Heyworth*, April 4 at 12, District Court of Bankruptcy, Manchester.—*Wright Bentley*, Oldham, Lancashire, ironfounder, April 5 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Alfred Reynolds*, Birmingham, iron merchant.

#### PETITIONS ANNULLED.

*David L. Lewis*, Salter's Hall-court, Cannon-street, London, and Larkhall-grove, Clapham, Surrey, merchant.—*Joseph Liley and Richard R. Cox*, Day's-court, Gutter-lane, London, warehousemen.—*Robert J. Hills*, Ryde, Isle of Wight, Hampshire, tailor.

#### PARTNERSHIPS DISSOLVED.

*Solomon Bray and Charles Bridges*, Birmingham, attorneys and solicitors.—*Baker Gabb and Wm. W. S. J. Woodhouse*, Abergavenny, Monmouthshire, attorneys-at-law and solicitors.

#### SCOTCH SEQUESTRATIONS.

*J. and J. Millar*, Dundee, hatters.—*Hector Tennant*, Glasgow, wine merchant.—*Wm. Fleming and R. Pritchard*, Glasgow, sewed muslin manufacturers.—*Wm. McDonald*, Glasgow, commission agent.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*James Miller*, Aston-juxta-Birmingham, retail brewer, April 4 at 11, County Court of Warwickshire, at Birmingham.—*Thomas Hulbert*, Birmingham, carpenter, April 4 at 11, County Court of Warwickshire, at Birmingham.—*William Whitfield*, Birmingham, japanner, April 4 at 11, County Court of Warwickshire, at Birmingham.—*John Aspley*, Birmingham, mercantile clerk, April 4 at 11, County Court of Warwickshire, at Birmingham.—*Mary Henshaw*, widow, Moxley, Wednesbury, Staffordshire, retail brewer, March 28 at 10, County Court of Staffordshire, at Walsall.—*Edward Perry*, Walsall, Staffordshire, grocer, March 28 at 10, County Court of Staffordshire, at Walsall.—*Thomas S. Pitt*, Walsall, Staffordshire, surgeon's assistant, March 28 at 10, County Court of Staffordshire, at Walsall.—*Hiram Chamley*, Horsecroft, near Whitworth, Spotland, Rochdale, Lancashire, shoemaker, March 22 at 12, County Court of Lancashire, at Rochdale.—*Daniel Alfred Wilkes*, Bilston Woodside, East Dean, Gloucestershire, grocer, March 28 at 11, County Court of Gloucestershire, at Newnham.—*William Blake*, East Cowes, Isle of Wight, Hampshire, butcher, March 30 at 10, County Court of Hampshire, at Newport.—*W. Beazley* the younger, Ryde, Isle of Wight, Hampshire, news agent, March 30 at 10, County Court of Hampshire, at Newport.—*John Balts Lay*, Lowestoft, Suffolk, butcher, March 28 at 2, County Court of Suffolk, at Lowestoft.—*John Taylor*, Peasenhall, Suffolk, auctioneer's clerk, March 29 at 12, County Court of Suffolk, at Halesworth.—*Robert Adams*, Twesling, Suffolk, innkeeper, March 30 at 10, County Court of Suffolk, at Framlingham.—*W. Tye*, Woodbridge, Suffolk, pastrycook, March 30 at 2, County Court of Suffolk, at Woodbridge.—*E. Trafford*, Woodbridge, Suffolk, pork dealer, March 30 at 2, County Court of Suffolk, at Woodbridge.—*Edward James Smythe*, Brandon, Suffolk, conveyancer, April 3 at 11, County Court of Norfolk, at Thetford.—*Wm. King*, Mildenhall, Suffolk, stonemason, April 3 at 2, County Court of Suffolk, at Mildenhall.—*George Anthony Barnes*, Ipswich, Suffolk, innkeeper, March 23 at a quarter-past 1, County Court of Suffolk, at Ipswich.—*G. Tanner*, Colerne, Wiltshire, carpenter, March 31 at 11, County Court of Somersetshire, at Bath.—*George Eden*, Mollington, Warwickshire, saddler, March 27 at 11, County Court of Oxfordshire, at Banbury.—*John Carter*, Exeter, seedsman, March 27 at 10, County Court of Devonshire, at Exeter.—*M. Mitchinson*, Swaites, Abbey Lanercost, Cumberland, out of business, March 24 at 11, County Court of Cumberland, at Brampton.—*Zephaniah Knowles*, Oldbury, Halesowen, Worcestershire, miner, March 24 at 10, County Court of Staffordshire, at Oldbury.—*George John Thompson*, Wolverhampton, Staffordshire, agent, March 27 at 10, County Court of Staffordshire, at Wolverhampton.—*Jabez Rubery*, Moxley, near Wednesbury, Staffordshire, licensed retailer of spirituous liquors, March 27 at 10, County Court of Staffordshire, at Wolverhampton.—*John Taylor*, Wolverhampton, Staffordshire, wrought-iron hinge manufacturer, March 27 at 10, County Court of Staffordshire, at Wolverhampton.—*T.*

*Taylor*, Bilston, Staffordshire, roller, March 27 at 10, County Court of Staffordshire, at Wolverhampton.—*J. Rigby*, Bilston, Staffordshire, watchmaker, March 27 at 10, County Court of Staffordshire, at Wolverhampton.—*Thomas Nison*, Rowell, Northamptonshire, painter, March 23 at 11, County Court of Northamptonshire, at Kettering.—*Henry Sidney Scrivener*, Linton, Cambridgeshire, baker, March 26 at 11, County Court of Essex, at Saffron Walden.—*Wm. Cusper*, Rossall, Thornton, Lancashire, baker, April 4 at 10, County Court of Lancashire, at Poulton.—*Nicholas Green*, Eyam, Derbyshire, out of business, March 22 at 11, County Court of Derbyshire, at Bakewell.—*Frederick Ferrand Fuljames*, Cranbrook, Kent, dealer in flour, March 20 at 11, County Court of Kent, at Tenterden.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 27 at 10, before the CHIEF COMMISSIONER.*

*John Hobbs*, High-st., Shadwell, Middlesex, shoemaker.—*Wm. Hurst*, Wellington-street, Waterloo-town, near Mile-end-road, Middlesex, wholesale confectioner.—*William Lewis Chapman*, Warren-street, Pentonville, Middlesex, hairdresser.—*Alfred Thomas Batchelor*, Southwark-bridge-road, Surrey, commission agent.

*March 28 at 10, before the CHIEF COMMISSIONER.*

*Charles Westrup*, Wellington-row, Bethnal-green, and Old-street-road, Middlesex, chair manufacturer.—*John Calvert*, High-street, Old Brentford, Middlesex, coal dealer.

*May 3 at 11, before Mr. Commissioner PHILLIPS.*

*John M'Nally*, Laburnum-cottage, Willow-walk, Green-lanes, Tottenham, Middlesex, vellum binder.—*George Tibley*, Hillingdon-road, Cowlley, Middlesex, carrier.—*Wm. Whitehead*, Dempsey-st., Commercial-road East, Middlesex, and Fore-street, Cripplegate, London, wholesale mourning milliner.—*Richard Bartram*, Princes-square, Kennington, Surrey, out of employ.—*Chas. Shirley* the younger, Felix-terrace, Liverpool-road, Islington, Middlesex, child's hood manufacturer.—*Silas Pugsley*, Richmond-road, Westbourne-grove, Paddington, Middlesex, porkman.—*James King*, Sussex-street, Tottenham-court-road, Middlesex, assistant to a perfumer.—*F. S. Harwood*, Cheshunt, Hertfordshire, watchmaker.—*Thos. Parker* the younger, Redcross-st., Southwark, Surrey, confectioner.—*Benjamin Franklin*, Moon-street, Gibson-square, Islington, Middlesex, carpenter.—*John Lee Scott*, Bushey-heath, Bushey, Hertfordshire, in no business.—*James Hutton Stride*, Stanhope-street, Clare-market, Middlesex, theatrical agent.—*Lewis Gorer*, Gloucester-street, Commercial-road East, Middlesex, cigar dealer.

*Saturday, March 10.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*William Malam*, Blackfriars-road, Surrey, engineer, No. 64,893 T.; *Wm. Duck* and *Wm. Wilson*, assignees.—*Edward Hallett*, Leman-street, Goodman's-fields, Middlesex, baker, No. 64,978 T.; *James Besset*, assignee.—*John Wallace*, Graveland, near Preston, Lancashire, grocer, No. 74,824 C.; *S. Goodacre*, assignee.—*T. Knight*, Birmingham, out of business, No. 79,282 C.; *Samuel John Godwin Mallabey*, assignee.—*Samuel Woodall*, Broad Heath, Altrincham, near Manchester, out of business, No. 79,361 C.; *Thomas Hampson*, assignee.—*John Baldwin* the younger, Ashton Ingham, Herefordshire, labourer, No. 79,416 C.; *Richard Southall*, assignee.—*John Kay*, Gorton, near Manchester, brewer, No. 79,442 C.; *Thomas Rogerson*, assignee.

*Saturday, March 10.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Nickolls*, Great Union-street, Newington-causeway, Surrey, baker: in the Queen's Prison.—*Alfred Vile*, Graveland, Southwark, Surrey, out of business: in the Gaol of Surrey.—*John Blanch*, Great Crown-court, Haymarket, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—*David Blanch*, Church-street, Chelsea, Middlesex, wheelwright: in the Debtors Prison for London and

Middlesex.—*Henry Batt*, Blenheim-terrace, Abbey-road, St. John's-wood, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Jonathan Dowsett*, Harks-cottages, Clapton, Middlesex, in no business: in the Debtors Prison for London and Middlesex.—*Thomas Hunt*, St. Andrew's-road, Horsemonger-lane, Surrey, out of business: in the Gaol of Surrey.—*George Sheppard*, Drummond-street, Euston-square, Middlesex, out of business: in the Gaol of Surrey.—*Thomas Freemantle*, Cornwall-road, Upper Stamford-street, Blackfriars-road, Surrey, baker: in the Debtors Prison for London and Middlesex.—*Joseph Philpott*, Croydon, Surrey, agent on commission to a shoe manufacturer: in the Debtors Prison for London and Middlesex.—*Daniel Portch*, Goodge-street, Tottenham-court-road, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*Henry H. Popham*, Exmouth-street, Clerkenwell, Middlesex, apothecary: in the Debtors Prison for London and Middlesex.—*Robert Dundas Brown*, Manor-cottage, Devereil-street, Dover-road, Newington, Surrey, clerk in the Admiralty Office, Somerset House: in the Gaol of Surrey.—*George John Jones*, Pancras-street, Tottenham-court-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Edward K. Vernon*, Anderson's Hotel, Fleet-street, London, in no business: in the Debtors Prison for London and Middlesex.—*Thomas Homewood*, North-hill, Highgate, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Hyde Kirkman*, Brunswick-villas, Hill-road, St. John's-wood, Middlesex, surveyor: in the Debtors Prison for London and Middlesex.—*James Cockrane*, Great Portland-street, Cavendish-square, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*James Norden*, Lawston, Cambridgeshire, blacksmith: in the Gaol of Cambridge.—*Isaac Jenkins*, Mountain Ash, Aberdare, Glamorganshire, labourer: in the Gaol of Cardiff.—*Joseph West*, Great Grimsby, Lincolnshire, plumber: in the Gaol of Lincoln.—*Thomas Goodfellow*, Macclesfield, Cheshire, joiner: in the Gaol of Chester.—*Joseph Pennill*, Manchester, retail dealer in ale: in the Gaol of Lancaster.—*Charles Coghlan*, Liverpool, out of business: in the Gaol of Lancaster.—*Fred. Doyle*, Stonehouse, Devonshire, tailor: in the Gaol of Devon.—*Thomas Bostock Gale*, Kingston-upon-Hull, out of business: in the Gaol of Kingston-upon-Hull.—*Henry Mutton*, Dover, Kent, servant: in the Gaol of Dover.—*J. Rowley*, Huddersfield, Yorkshire, cloth dresser: in the Gaol of York.—*Joseph Shaw*, Hill House, near Huddersfield, Yorkshire, out of business: in the Gaol of York.—*Valentine B. Simpson*, Greenwich, Kent, out of business: in the Gaol of Maidstone.—*Jas. Churchill*, Southsea, Southampton, teacher of music: in the Gaol of Winchester.—*George Eaton*, Landport, Portsea, Southampton, hostler: in the Gaol of Winchester.—*John Stephens*, Southsea, Southampton, lodging-house keeper: in the Gaol of Winchester.—*Benjamin Misell*, Manchester, picture dealer: in the Gaol of Lancaster.—*Thos. M'Candlish*, Manchester, out of business: in the Gaol of Lancaster.—*H. Jones Evans*, Penygloddfa, Montgomeryshire, grocer: in the Gaol of Montgomery.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 27 at 10, before the CHIEF COMMISSIONER.*

*Elijah Butcher*, Upper Thames-street, London, out of business.—*Thomas Donaldson* the younger, Peel-place, Cambridge-road, Bethnal-green, Middlesex, labourer.—*H. Batt*, Blenheim-terrace, Abbey-road, St. John's-wood, Middlesex, carpenter.

*March 27 at 10, before Mr. Commissioner MURPHY.*

*Samuel Aaron Allen*, Manor-place, Walworth, Surrey, in no business.—*Abraham Armstrong*, High-street, Camden-town, Middlesex, accountant.—*Henry H. Foothead*, Ashley-terrace, Shepherd's-walk, City-road, Shoreditch, Middlesex, wholesale milliner.—*Alfred Daniels*, Church-street, Arlington-square, New North-road, Islington, Middlesex, attorney's clerk.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cambridgeshire, at CAMBRIDGE, March 27 at 10.*

*Richard Gunton*, Chatteris, Isle of Ely, shoemaker.—*Jas. Norden*, Sawston, blacksmith.

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By W. M. BEST, Barrister at Law.

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## THE JURIST.

LONDON, MARCH 24, 1855.

THERE is this peculiarity in trials which are conducted without the intervention of a jury, that the judge decides both the law and the facts, instead of laying down the law for those who are to find the facts. Hence, it is often impossible to ascertain the ground of the decision in trials by judges alone, whether it proceeded on the law or the facts of the case; and if there be an error, whether it consist in ignorance of law or a mistake of facts. This consequence renders it extremely difficult, not only to detect, but also to correct, the fallacy by way of appeal or other proceeding, and to check the recurrence of similar errors. Our readers will remember the difficulty which has been experienced on this account in appealing from the decisions of county court judges, when they have acted without a jury.

There is another distinction of great practical importance between trial by a judge and trial by a jury: the prisoner or defendant may challenge the jury, but has no means of excepting to the judge. Under the Roman law, even in its period of despotism, a *recusatio judicis* was permitted, which was, in effect, a challenge to the judge; but at the present day, in this land of freedom, no such safeguard is proposed to compensate for the absence of a jury. It is true, that a decision by a judge or magistrate in a matter in which he is interested is voidable (*Dimes v. The Grand Junction Canal Company*, 3 H. L. C. 759) if subsequent proceedings be adopted in order to avoid it; but there is no mode of declining the exercise of jurisdiction by the judge in the first instance.

We trust that these important distinctions will not be overlooked by those members of our Legislature who are about to discuss the Criminal Justice Bill in

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the House of Commons. In our comments upon this measure last week we stated that even the powers vested in justices for the purpose of summary conviction were guarded to a greater extent than those which are now proposed to be given for the purpose of convicting of felony; and it is certainly remarkable, that while in the former cases a right of appeal is very frequently given, no such right is conferred against the decision of two justices in a case of felony; nor is the conviction (which will be in a general form) to be removed by certiorari or otherwise.

The power proposed to be given to justices over prisoners who plead guilty to the charge brought against them is not liable to the same objections as their jurisdiction over those who deny the charge; and it may be observed, that an authority to convict without a jury, on *confession*, was conferred upon justices by the stat. 2 Hen. 5, st. 1, c. 4, relating to labourers, which authorised justices to examine labourers on their oath, and on their *confession* to punish them *as if they were convict by inquest*. This, and a power of convicting upon *view* in cases of forcible entries and riots, (12 Rich. 2, c. 2; 13 Hen 4, c. 7), seem to be the only clear instances in which justices of the peace in those early times were authorised to inflict punishment upon their own inquiry and judgment. The first statute upon which a summary conviction by a justice is on record is that of 33 Hen. 8, c. 6, against the practice of carrying daggers or short guns. There appears to have been a conviction on this statute removed into the Court of Queen's Bench as early as the 43rd of Elizabeth; and "this very case," says Mr. Paley\*, "affords a proof of the objection which, in the state of manners at that day, might well exist against relaxing the jealousy of the common law, by intrusting anything like arbitrary authority in private hands. It appears that a sheriff's officer, going to execute a writ

\* Law of Summary Convictions, Introduction, p. 11.

against a justice of the peace for a debt, and taking with him a hand-gun, from the apprehension of a rescue, the justice, instead of obeying the writ, apprehended, convicted, and imprisoned the officer till he paid a fine of 10*l.*, under colour of the act of Parliament."

While, on the one hand, we are alive to the dangers threatened by the Criminal Justice Bill, on the other we are not insensible to the inconveniences of the present system. There is no doubt that a great number of petty offences are tried at quarter sessions, being a heavy burthen upon the county rates, (which ultimately falls on the Consolidated Fund), and a severe tax upon the time and avocations of the prosecutor and his witnesses. To have such cases *satisfactorily* decided almost upon the spot where they are alleged to have occurred, and within a very short period after their occurrence, would be a great boon to the community at large. May not a middle course be adopted between the present expensive and dilatory course and the dangerous innovation involved in the bill? Why should not the two justices have power to summon a jury—say of six persons—to try the accused? The trial might then proceed as at quarter sessions. The law and the facts would be adjudicated upon separately; the right of challenge would remain, and the offender would be tried by men approaching his own station in life. It appears that a similar power once existed, and was exercised. It was not until after stat. 36 Edw. 3, st. 1, c. 12, that the general sessions were held only four times a year: that statute commands that they shall be held at *least* four times; and the subsequent statute (2 Hen. 5, c. 4) adds, "and oftener if need be." The stat. 33 Hen. 8, c. 10, required them to be held every six weeks, which, however, was repealed by the 37 Hen. 8, c. 7. (Paley, p. 5).

Under these circumstances, the holding of petty sessions with a jury would be only consistent with an ancient system of procedure, as well as with that mode of popular trial by which our jurisprudence is distinguished.

## NOTES OF THE WEEK.

At the Stafford Assizes, Lord Campbell, C. J., animated severely upon the practice of handcuffing and searching prisoners who have not been charged with any act of violence. In the cause (*Eggington v. The Corporation of Lichfield*) which elicited these remarks, the plaintiff, who had been town clerk to the corporation, had been summarily convicted, under the Municipal Corporation Act, of refusing to deliver up the books, &c. which he had received by virtue of his office, and having been arrested upon a warrant founded on such conviction, had been searched and handcuffed. The action, which was for false imprisonment, was brought not only against the corporation of Lichfield, but also against Mr. Simpson, their town clerk, and Page, a police constable. On the subject of assessing the damages, Lord Campbell, C. J., said he had heard it stated that the jury should give the amount which the most culpable defendant ought to pay; but he was of opinion that the amount should be that which all the defendants ought to pay, because each joint tortfeasor, being made co-defendant, was liable to pay the whole; adding, that the point was as yet undecided.

At the Maidstone Assizes, Mr. Bramwell, Q. C., (presiding in one of the criminal courts), held, after consulting the learned judges on the circuit, that a forgery committed with intent to deceive the party to whom it was uttered, although not with the intent of ultimately defrauding such party, came within the legal definition of forgery. The jury, by their finding, seemed to be of opinion that the prisoner, who had uttered a forged bill of exchange to A. B., intended thereby to deceive him at the time, but also intended to pay the amount of the bill when it became due.

Sir John Pakington, in moving, on the 17th instant, for leave to bring in a bill for the education of the people of this country, after paying a well-deserved compliment to Mr. Horace Mann, barrister at law, for his very able report on the census, proceeded to lay before the House some interesting statistics upon the subject of his motion. Speaking of the connexion between ignorance and crime, the Right Honourable Baronet said that it was difficult to obtain full information upon the matter, and that our own statistics of crime are very imperfect, especially the returns of summary convictions. In 1846, when the population of England was 17,018,600, the number of persons committed for trial was 25,107, and the number summarily convicted was 35,749, making altogether 60,856 persons convicted of crime. In Austria (one of the best educated countries in Europe) 1 in 300 of the population is detected in crime, while in England 1 in 300 is detected, making a difference of nearly three to one.

## Reprints.

*The Common-law Procedure Acts of 1852 and 1854, with Notes and an Appendix, containing the Common-law Procedure Acts of William IV, the recent Statute on Evidence, and the New Rules framed under both the late Acts, and an Introduction.* By W. F. FINLASON, Esq., of the Middle Temple, Barrister at Law. [Stevens & Norton, 1855.]

*A Treatise on Equitable Defences and Replications under the Common-law Procedure Act, 1854.* By JOHN D. MAYNE, Esq., of the Middle Temple, Barrister at Law. [Sweet, 1854.]

No one, after perusing Mr. Finlason's work, will deny that he is a gentleman of most laudable industry, delighting in elaborate notes, the Year Books and their successors, through many generations unto the present time. The consequence is, that his annotations are very learned and very long, filling up the page in double columns, while the different sections of the act venture to peep forth by a single line at the top, like a short Zouave endeavouring to look out of a deep trench. We cannot help thinking that Mr. Finlason might spare himself and his readers considerable labour were he to condense his notes into a clear exposition of the subjects discussed in them, giving the principles which may be deduced from the cases, instead of heaps of cases themselves, "like orient pearls at random strung," and rendering his commentary upon a code of practice more practical. He rather overlays the statutes with his notes. After this suggestion, which we offer in a friendly spirit, and with a sense of obligation to Mr. Finlason for the body of useful law which he has undoubtedly placed before his readers, we proceed to sketch an outline of his work. Commencing with an introduction and synopsis of the Common-law Procedure Acts, he then gives the statutes themselves, with foot-notes, (we prefer notes following the sections); then, in an Appendix, the stat. 1 Will. 4, c. 22, for enabling Courts of law to order the examination of witnesses upon interrogatories and otherwise, (which is useful,

as it is referred to by the Common-law Procedure Act, 1854, and incorporated with it); the stat. 2 & 3 Will. 4, c. 71, for shortening the time of prescription in certain cases, (the object of inserting which is not so clear); the stat. 3 & 4 Will. 4, c. 42, for the further amendment of the law and the better advancement of justice; the stats. 3 & 4 Vict. c. 24, and 5 & 6 Vict. c. 97, relating to costs, notice of action, limitation of actions, and pleas of the general issue under certain acts of Parliament; stats. 6 & 7 Vict. c. 85, and 14 & 15 Vict. c. 99, for removing objections to the admissibility of evidence on the ground of interest, &c., and for rendering parties to actions competent witnesses, (why not also stat. 16 & 17 Vict. c. 83, making husband and wife competent for and against each other?); the Pleading and Practice Rules, Hilary Term, 1853, and the Rules of Michaelmas Vacation, 1854. Valuable notes are appended to these rules. It will be seen from this analysis and our former observations, that Mr. Finlason's edition of the acts and rules is comprehensive in its plan and complete in its details. His readers probably will not complain that he gives them so much more in quantity upon the subject than other commentators. The editor seems to be of opinion that the mandamus clause (sect. 68) extends to the specific performance of contracts. (See pp. 417, 421).

Mr. Mayne's book is a useful and appropriate manual on the subjects to which it is devoted. He has judiciously adopted the following classification, treating, under each head, of the several pleas and replications, "upon equitable grounds," that may now be used in a court of common law:—1. Accident. 2. Mistake. 3. Fraud. 4. Liens. 5. Release. 6. Satisfaction—Performance—Election—Statute of Frauds. 7. Set-off. 8. Miscellaneous Defences. 9. Sureties. 10. Trusts. 11. Replication—Striking out Plea. Mr. Mayne points out how far the doctrines of equity may be moulded to the new system of jurisprudence now administered in the courts of common law. He calls attention to the anomaly, that neither equitable pleas nor equitable replications can be pleaded in an action of ejectment, inasmuch as in that form of action there are no pleadings whatever, except the declaration.

**JUSTICE IN CALIFORNIA.**—The following extract from a letter written by *The Times* correspondent in California exhibits a new mode of curing flaws in an indictment; it is also a note-worthy illustration of a mayor casting his skin (as it were) for the sake of becoming a "Lynchman."—"An American named Brown was found guilty, after a legal trial, of murder, and condemned to be hung on the same day with a Californian, also legally condemned for another murder. Brown's execution was ordered by the Supreme Court of the State to be stayed on an appeal, on the ground of a flaw in the indictment, which would probably have given him a new trial. The people, however, determined that both criminals should have even-handed justice meted out to them, and after the Californian was executed by the constituted authorities, a mob broke open the prison and hanged Brown. The mayor, after he had performed his part of the legal execution of the Californian, resigned his office, to enable him 'consistently to assist in his private capacity' in the lynching of Brown. By last accounts he was a candidate for his former office, with every prospect of success."

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Robert Eagle Clarke, of Thetford, in the county of Suffolk, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Norfolk.

## BILLS OF EXCHANGE.

THE following reasons are urged by the "Debtor and Creditor Law Amendment Society" against Lord Brougham's and Messrs. Keating and Mullings's Bills of Exchange Bills, now before the House of Commons:—

"That bills of exchange have been found, by long experience, to be the most convenient mode of acknowledging debts and fixing a time for the payment of them, whilst they constitute an indispensable proportion of the circulating medium of the country.

"That by the passing of the bills in question, or either of them, nearly the whole of the trade of the kingdom now carried on by means of bills of exchange will be utterly destroyed.

"That if the principle of not allowing a debtor to defend proceedings which may be taken against him, unless he can at the outset shew a good defence on the merits, be admitted or established, it ought not to be applicable solely to bills of exchange or promissory notes, but to all debts and claims whatever.

"That no sufficient reason has been shewn for placing the law relating to the recovery of debts on bills of exchange on a different footing to other simple contract debts.

"That Lord Brougham's bill will create great difficulty in cases of bills of exchange or promissory notes payable in towns or places where there are no notaries, inasmuch as the bill provides no remedy for such cases, which will be very frequent, because there are no notaries in the majority of towns in this kingdom, but only in a few of the larger towns and cities, and that therefore the holders of bills or notes will, in such cases, be undeservedly subjected to great risk and perplexity.

"That the revenue now arising from the stamps used on bills of exchange will be seriously decreased, inasmuch as the use of them for commercial purposes will be almost annihilated.

"That the disuse of bills of exchange as a circulating medium will render it necessary to have a very much larger amount of metallic currency in circulation, thus rendering money dear, and partially destroying the effect of the late legislative enactment repealing the usury laws.

"That the passing of either of the bills will practically give to the holder of a dishonoured bill or note a preference over all other creditors, inasmuch as he will, by either of the proposed new modes of procedure, be enabled to take the debtor's effects in execution at the expiration of eight days; whereas another creditor, not being the holder of a dishonoured bill or note, (though he may, in the usual course of business, have given exactly the same period of credit as the creditor holding a bill or note), will be left to his present remedy, of summoning the debtor to the Court of Bankruptcy, by which process the debtor has seven days to appear and admit the debt, and seven days more to arrange with or pay the creditor by whom he has been summoned; thus precluding the less favoured creditor from making his remedy (summary though it be) available in less than fifteen days. That either of the proposed bills will therefore create great facility for collusion between debtors and creditors, and render nugatory the aim and intent of the late enactments respecting bankruptcy, namely, an equitable division of assets amongst the whole body of creditors."

**ORDERS IN COUNCIL.**—By Orders in Council dated the 28th February, 1855, the Common-law Procedure Act, 1854, and the Rules thereunder, are applied to the court of record of the borough of Cambridge, called the Court of Pleas; the act is also applied to the courts of

record of the borough of Colchester, called the Law Hundred and Foreign Courts; and several of its provisions, with certain modifications, are extended to the court of record for the hundred of Salford, in the county of Lancaster. The application in each case is to take place within one month after the publication of the Orders in the London Gazette, namely, the 2nd March, 1855.

### London Gazettes.

FRIDAY, MARCH 16.

#### BANKRUPTS.

**JAMES MATHEWS** and **JAMES EDWARD PHILLIPS**, Wood-street, Cheapside, London, warehousemen and shirt manufacturers, dealers and chapmen, March 23 at half-past 1, and April 27 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Sole & Co., 68, Aldermanbury, London.—Petition filed March 10.

**JAMES ALEXANDER HUGHES**, late of Douglas-road, Canonbury, but now of Victoria-park-road, Hackney, Middlesex, builder, March 27 at 2, and April 27 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. May & Sweetland, 14, Queen-square, Bloomsbury, London.—Petition filed Feb. 10.

**ALFRED TUNSTALL**, late of Hall-street, City-road, and now of Park-villas, Northumberland-park, Tottenham, Middlesex, electro-plater, dealer and chapman, March 27 at 2, and April 24 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Cattlin, Ely-place, Holborn, Middlesex.—Petition filed Feb. 20.

**HENRY FOWLER**, Southampton, corn and coal factor, dealer and chapman, March 30 at half-past 11, and May 5 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Fraser & May, 78, Dean-street, Soho, Middlesex.—Petition dated March 16.

**JAMES NORRIS**, Camden-lodge, Peckham, Surrey, and late of Upper Thames-street, London, wholesale stationer, dealer and chapman, March 30 at 11, and April 26 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition filed March 15.

**WILLIAM RUMSEY**, Coventry, Warwickshire, tailor and clothier, March 31 and April 20 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Dewes, Coventry; Motteram & Knight, Birmingham.—Petition dated March 10.

**STEPHEN KNAPP**, Coventry, Warwickshire, printer, March 30 and April 21 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Browett, Coventry; Motteram & Knight, Birmingham.—Petition dated March 12.

**JOHN BURREL MORGAN** and **JOHN LEWIS**, Ystalyfera Graig, Glamorganshire, drapers, grocers, ironmongers, dealers and chapmen, March 27 and April 24 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Cornish & Parnell, Bristol.—Petition filed March 2.

**WILLIAM JENNINGS**, Bradford, Yorkshire, linendraper, March 29 and April 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Petition dated March 3, and filed March 5.

**WILLIAM DEFFETT FRANCIS**, Bridgewater, Somersetshire, plumber and glazier, March 27 and April 26 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Ruddock & Auber, Bridgewater; Stogdon, Exeter.—Petition filed March 14.

**ROBERT NICHOLSON**, Kingston-upon-Hull, sail maker, dealer and chapman, March 28 and April 18 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Wells & Smith, Hull.—Petition dated Feb. 24.

**WILLIAM GREENWELL**, South Shields, Durham, boot and shoe maker and hosier, March 23 at half-past 11, and April 24 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Watson, Newcastle-upon-Tyne; Shield & Harwood, 10, Clement's-lane, Lombard-street, London.—Petition filed March 9.

**THOMAS CHARLESWORTH**, Nottingham, plumber and glazier, dealer and chapman, March 27 and May 1 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Coope, Nottingham.—Petition dated March 10.

**HENRY HOLLAND**, Liverpool, merchant, dealer and chapman, March 27 and April 18 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Dodge, Liverpool.—Petition filed March 14.

**MARY JACKSON** and **THOMAS HEYWOOD**, otherwise **THOMAS JACKSON**, Droyloden, Lancashire, skein printers and dyers, March 30 and April 27 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Darnton, Ashton-under-Lyne.—Petition filed March 12.

**CHARLES PENNINGTON**, Manchester, formerly of Salford, Lancashire, builder, timber dealer, commission agent, dealer and chapman, April 5 and 26 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Sale & Co., Manchester.—Petition filed March 10.

**JOHN PRICE SAMUEL**, Blackburn, Lancashire, shuttle manufacturer, March 28 and April 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Rowley & Son, Manchester.—Petition filed March 6.

**WILLIAM FRENCH**, Bedlington, Durham, brewer and maltster, March 23 at 11, and April 24 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hodge & Harle, Newcastle-upon-Tyne.—Petition filed Feb. 28.

**DUNCAN M'GREGOR**, Newcastle-upon-Tyne, and Dilston Paper Mill, Northumberland, dealer in marine stores and paper manufacturer, March 27 and April 27 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hoyle, Newcastle-upon-Tyne; Crosby, 3, Church-court, Old Jewry, London.—Petition filed March 10.

#### MEETINGS.

*Raffael Monti*, Great Marlborough-street, and Princes-st., Hanover-square, Middlesex, sculptor, March 28 at 12, Court of Bankruptcy, London, last ex.—*Richard Frank Kennedy*, West Cowes, Isle of Wight, Southampton, chemist, March 30 at 1, Court of Bankruptcy, London, last ex.—*Thomas Lawrence*, Reading, Berkshire, draper, March 28 at 11, Court of Bankruptcy, London, last ex.—*George Tennant*, Market-street, Westminster, Middlesex, licensed victualler, March 28 at half-past 12, Court of Bankruptcy, London, last ex.—*T. Deans*, Blackburn, Lancashire, draper, April 12 at 12, District Court of Bankruptcy, Manchester, last ex.—*Edw. Tregenza*, Stockton-on-Tees, Durham, shoe dealer, March 28 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Wm. Booth*, Morpeth-terrace, Hackney-road, Middlesex, iron merchant, March 20 at 12, Court of Bankruptcy, London, and ac.—*Josiah Tillet*, Colchester, Essex, plumber, March 28 at half-past 11, Court of Bankruptcy, London, and ac.—*J. Atkinson* and *A. Atkinson*, Huntingdon, drapers, March 28 at 11, Court of Bankruptcy, London, and ac.—*James Digby*, Birch, Essex, miller, March 30 at 12, Court of Bankruptcy, London, and ac.—*George Henry Beadle*, Sydenham, Kent, builder, March 27 at 11, Court of Bankruptcy, London, and ac.—*Wm. Pearce*, Clerkenwell-green, Middlesex, gasfitter, March 29 at 12, Court of Bankruptcy, London, and ac.—*E. William Tuson*, Harley-street, Cavendish-square, Middlesex, boarding-house keeper, March 29 at 12, Court of Bankruptcy, London, and ac.—*John Abraham Rippon*, Louth-cottages, Wellington-road, Camberwell, Surrey, cigar manufacturer, March 29 at 12, Court of Bankruptcy, London, and ac.—*E. Castledieck*, Mincing-lane, London, ship agent, March 29 at 12, Court of Bankruptcy, London, and ac.—*Henry Simons*, Woolwich, Kent, linendraper, March 29 at 12, Court of Bankruptcy, London, and ac.—*Wm. Owen Tucker*, Threadneedle-street, London, sharebroker, March 29 at 12, Court of Bankruptcy, London, and ac.—*Frederick Hale Thomson*, Berners-street, Oxford-street, and West End, Hampstead, Middlesex, manufacturer of silvered glass ware, March 29 at half-past 12, Court of Bankruptcy, London, and ac.—*J. Stevens*, Fetter-lane, London, cheesemonger, March 30 at 1, Court of Bankruptcy, London, and ac.—*Charles Onken*, Ropemakers-street, Finsbury, Middlesex, coachmaker, March 30 at 12, Court of Bankruptcy, London, and ac.—*Jas. Welch*, Barnsbury-place, Upper-street, Islington, Middlesex, innkeeper, March 30 at 11, Court of Bankruptcy, London, and ac.—*W. Steeds*, Evercreech, Somersetshire, tallow chandler, April 5 at 11, District Court of Bankruptcy, Bristol, and ac.; April 12



at 11, div.—*Wright Bentley*, Oldham, Lancashire, iron-founder, April 7 at 12, District Court of Bankruptcy, Manchester, aud. ac.; April 13 at 12, div.—*Lambert Tatley*, Ince, near Wigan, Lancashire, cotton spinner, March 29 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*J. Smith and Ralph Simpson*, Burnley, Lancashire, ironfounders, April 5 at 12, District Court of Bankruptcy, Manchester, aud. ac.; April 13 at 12, div.—*John Ellis Watkinson*, Halifax, Yorkshire, grocer, March 29 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*John Alcott*, New Miller Dam, Sandal Magna, Yorkshire, banker, March 29 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Wm. Jones*, Liverpool, shipwright, March 30 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; April 7 at 11, div.—*Ann Wilkinson*, Creesmere, Ellesmere, Shropshire, innkeeper, April 7 at 12, District Court of Bankruptcy, Birmingham, div.—*R. William Spendalord*, Market Drayton, Shropshire, chemist, April 23 at half-past 10, District Court of Bankruptcy, Birmingham, div.—*James Robinson*, Manchester, perfumer, April 12 at 12, District Court of Bankruptcy, Manchester, div.—*Samuel Ryder*, Plymouth, Devonshire, flour factor, April 10 at 1, District Court of Bankruptcy, Plymouth, div.—*Richard Collard*, Devonport, coach proprietor, April 10 at 1, District Court of Bankruptcy, Plymouth, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George Brand Hussey*, Plymouth, Devonshire, innkeeper, April 10 at 1, District Court of Bankruptcy, Plymouth.—*R. Collard*, Devonport, coach proprietor, April 10 at 1, District Court of Bankruptcy, Plymouth.—*Charles Doody*, Stoke-upon-Trent, Staffordshire, tailor, April 12 at half-past 10, District Court of Bankruptcy, Birmingham.—*Jesse Shaw*, Longton, Staffordshire, stationer, April 12 at half-past 10, District Court of Bankruptcy, Birmingham.—*John Brindley*, Birmingham, hosier, April 12 at half-past 10, District Court of Bankruptcy, Birmingham.—*Wm. Harvey Fletcher*, Kidderminster, Worcestershire, auctioneer, April 19 at half-past 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Robert Thomson*, St. John-street-road, Clerkenwell, Middlesex, linendraper.—*Arthur H. Cox*, High-st., Kensington, Middlesex, corn merchant.—*Francis Kinch*, Margate, Kent, chemist.—*Wm. Bowler*, Windsor-terrace, Cooper's-road, Old Kent-road, Surrey, hat manufacturer.—*Wm. Weston*, Chiswell-street, Finsbury, Middlesex, boot agent.—*B. Bailey*, Kingland-road, Middlesex, corn dealer.—*James Lamerton and James Galsworthy*, Queen's-road, Peckham, Surrey, builders.—*Roger Duxbury*, Over Darwen, Lancashire, innkeeper.—*Andrew Wilson*, Manchester, timber merchant.

## SCOTCH SEQUESTRATIONS.

*Peter M' Lellan*, Gorbals, Glasgow, grocer.—*John Martin*, Glasgow, clothier.—*Henry Galbraith*, Haddington, ironmonger.—*Alexander W. Shanks*, deceased, Barbeggs, Cumbernauld, commission agent.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph W. Hill*, Liverpool, provision dealer, March 20 at 10, County Court of Lancashire, at Liverpool.—*Thomas Bedford*, Brighton, Sussex, ironmonger, March 24 at 10, County Court of Sussex, at Brighton.—*James Powis*, Hove, Sussex, lodging-house keeper, March 24 at 10, County Court of Sussex, at Brighton.—*John Dixon*, Nasington, Northamptonshire, carpenter, March 24 at 10, County Court of Northamptonshire, at Oundle.—*Wm. Beer*, Cerne Abbas, Dorsetshire, shoemaker, April 10 at 11, County Court of Dorsetshire, at Dorchester.—*Walter Marchant*, Cheltenham, Gloucestershire, bookbinder, April 18 at 10, County Court of Gloucestershire, at Cheltenham.—*Christopher Lane*, Cheltenham, Gloucestershire, joiner, April 18 at 10, County Court of Gloucestershire, at Cheltenham.—*Thomas Ballinger*, Leekhampton, Gloucestershire, blacksmith, April 18 at 10, County Court of Gloucestershire, at Cheltenham.—*Ebenezer Robinson*, Laton, Bedfordshire, tailor, March 23 at 11, County Court of Bedfordshire, at Laton.—*David Prax*, Hulme, Manchester, out of business, April 2 at 12, County Court of Lancashire,

at Manchester.—*Charles Challis*, Flamstead, Hertfordshire, baker, March 28 at half-past 10, County Court of Hertfordshire, at St. Albans.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 30 at 10, before the CHIEF COMMISSIONER.*

*James Wm. Howell*, Southampton-street, Fitaroy-square, Middlesex, electioneering agent.—*Joshua Rist*, Ranelagh-road, Pimlico, Middlesex, baker.—*John Startup*, Princes-street, Rotherhithe, Surrey, carpenter.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 30 at 10, before the CHIEF COMMISSIONER.*

*David Moffat*, College-street West, Camden-town, Middlesex, baker.—*Samuel Lay*, Gloucester-mews West, Gloucester-terrace, Paddington, Middlesex, coach builder.

*March 30 at 10, before Mr. Commissioner MURPHY.*

*Thomas Chance*, Edward-terrace, Caledonian-road, King's-cross, Middlesex, brass turner.

*March 31 at 11, before Mr. Commissioner PHILLIPS.*

*Philip Richardson*, Old Bailey, London, general agent.—*Thomas S. Wilkinson*, Ashburnham-grove, Greenwich, Kent, clerk in the registry office of the High Court of Admiralty of England.—*John Blench*, Great Crown-court, Great Windmill-street, Haymarket, Middlesex, bootmaker.—*Jonathan Dowsett*, Slark's-cottages, Clapton, Middlesex, in no business.—*Thomas Freemanille*, Cornwall-road, Upper Stamford-street, Blackfriars-road, Surrey, baker.

*April 2 at 10, before the CHIEF COMMISSIONER.*

*Benjamin Burford*, Devonshire-road, Chiswick, Middlesex, out of business.

*April 2 at 11, before Mr. Commissioner PHILLIPS.*

*James Gooden*, Sutherland-terrace, Caledonian-road, Middlesex, dramatic agent.

*April 2 at 10, before Mr. Commissioner MURPHY.*

*Thos. Lands*, High-street, Camden-town, Middlesex, shoemaker.—*John Nickolls*, Great Union-street, Newington-causeway, Surrey, baker.—*David Blanch*, Church-street, Chelsea, Middlesex, wheelwright.—*James Simpson Strachan*, Aberdeen-terrace, Uxbridge-road, Shepherd's-bush, Middlesex, baker.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Henry Brewer*, Blackburn, machine maker, No. 79,511; *John Woods*, assignee.—*John Kay*, Gorton, near Manchester, porter brewer, No. 79,442; *Thomas Rogerson*, assignee.—*Stephen Edmondson*, Farnworth, near Bolton-le-Moors, grocer, No. 79,535; *Ellat Broughton*, assignee.—*John Barker York*, Hulme, Manchester, bricklayer, No. 79,232; *John Whitehead*, assignee.—*Edward Jones*, Manchester, tobaccoist, No. 79,194; *James Cotsworth*, assignee.—*Wm. Smith*, Ashton-under-Lyne, out of business, No. 79,509; *Frederick Hepworth*, assignee.—*W. Booth*, Clitheroe, publican, No. 79,538; *James Arkwright*, assignee.—*Henry Charles*, Longsight, Manchester, out of business, No. 79,438; *Wm. Critchley Peridy*, assignee.—*Robt. Harrison*, Bedford, near Leigh, power-loom weaver, No. 79,547; *Thomas Temple*, assignee.—*Benjamin Jaker*, Manchester, plumber, No. 79,595; *John Giddings*, assignee.—*John Howarth*, Lancaster, grocer, No. 79,590; *Jeremiah Walmsley*, assignee.—*Henry John Green*, Charles-town, Pendleton, near Manchester, out of business, No. 79,597; *Thomas Lancaster*, assignee.—*William Hinchliffe*, Ashton-under-Lyne, out of business, No. 79,618; *J. Platt*, assignee.—*John Swaine Nickolls*, Hulme, Manchester, estate agent, No. 79,601; *John Towle*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, March 30 at 11.*

*James Binnion*, Liverpool, potato dealer.—*Chas. Coglian*,

Liverpool, money agent.—*John Cooper*, Lancaster, out of business.—*James Shaw*, Lancaster, out of business.—*Wm. Francis Burdett*, Manchester, retail dealer in ale.—*William Horatio Chadwick*, Hulme, Manchester, warehouseman.—*Richard Royle*, Manchester, out of business.—*John Gardner* the elder, Preston, cabinet maker.—*J. Gardner* the younger, Preston, cabinet maker.—*Robert Thompson*, Ashton-under-Lyne, joiner.—*John Shield*, Liverpool, law stationer.—*A. Robson*, Stalybridge, joiner.—*Edw. Thompson*, Hulme, Manchester, timber salesman.—*Wm. Moyes*, Liverpool, tailor.—*Wm. Carhile*, Preston, out of business.—*Joseph Perris*, Broughton, out of business.—*George Heyford*, Manchester, out of business.—*Jeremiah Turley*, Manchester, fruit merchant.—*Thomas Clutton Dutton*, Liverpool, out of business.—*David Wills*, Manchester, commission agent.—*J. Kitchen*, Hulme, Manchester, house painter.—*Francis Coates*, Burton-in-Lonsdale, near Lower Bentham, Yorkshire, out of business.—*J. Titterdell*, Liverpool, out of business.—*J. Butterworth*, Wellfield, near Rochdale, blacksmith.—*T. Jenkins*, Preston, tailor.—*William Rushworth*, Tonbridge, near Colne, cotton manufacturer.—*Richard Brown*, Preston, licensed victualler.—*Eleazar Dawson*, Heywood, near Bury, grocer.—*Robert Smith*, Preston, out of business.—*John Winterburn*, Bolton-le-Moors, out of business.—*Alexander Brown*, Manchester, out of business.—*Robert Eades*, Heaton Norris, out of business.—*John Williamson*, Levenshulme, near Manchester, gingham manufacturer.—*George Sample*, Manchester, clog-maker.—*Henry Turnstall*, Preston, cabinet maker.—*Hugh Spencer*, Liverpool, out of business.—*Ralph Grime*, Belmont Sharples, near Bolton-le-Moors, butcher.—*John Rathbone*, Preston, plumber.—*Wm. Copland*, Linsal, near Cartmel, joiner.—*John Todd*, Manchester, tailor.—*William Hartley*, Manchester, out of business.

*At the County Court of Sussex, at LEWES, March 27.*

*Wm. Child Newman*, Brighton, fly proprietor.—*J. Russell*, Burwash, licensed victualler.—*Geo. Hampton*, Patcham, near Brighton, innkeeper.—*Stephen Duke*, Preston, private in the 17th Lancers.—*Thomas John Aylward*, Playden, near Rye, dairyman.

*At the County Court of Lincolnshire, at LINCOLN, April 3 at 12.*

*Joseph West*, Great Grimsby, plumber.

*At the County Court of Northamptonshire, at NORTHAMPTON, April 11.*

*Joseph Hunt*, Polebrook, near Oundle, butcher.

*At the County Court of Gloucestershire, at GLOUCESTER, April 12 at 10.*

*George Beach*, Bream, labourer.

*At the County Court of Kent, at DOVER, April 25 at 11.*

*Henry Mutton*, Dover, servant.

**INSOLVENT DEBTORS' DIVIDENDS.**

*Wm. Cripps*, Seymour-villa, Fortis-green, Finchley, Middlesex, superannuated tide surveyor of her Majesty's Customs: 2s. 10½d. (making 4s. 2d.) in the pound.—*John Crisp*, Danvers-street, Chelsea, Middlesex, lieutenant in her Majesty's Navy on half-pay: 1s. 7d. (making 11s.) in the pound.—*Jas. Pattie*, Charles-street, Hatton-garden, Middlesex, travelling bookseller: 1s. 6½d. in the pound.—*Thos. Collins*, Curator-street, Chancery-lane, Middlesex, builder: 10½d. in the pound.—*Geo. Augustus Batger*, Park-place, Church-street, Chelsea, Middlesex, architect: 10½d. in the pound.—*George Birch*, Willington-road, Stockwell, Surrey, surgeon in the Royal Navy on half-pay: 1s. 6d. in the pound.—*Walter Henton*, Hayward's-heath, near Cuckfield, Sussex, wheelwright: 2s. 0½d. in the pound.—*W. Andrews Abraham*, Haberdasher-street, Hoxton, Middlesex, tambour worker: 1s. 11d. in the pound.—*Wm. Godfrey Huet*, Weymouth-street, Portland-place, Middlesex, clerk: 10½d. in the pound.—*Henry Richard Brett*, Muscovy-court, Tower-hill, London, wine merchant: 4½d. in the pound.—*Jos. Lord*, Manchester, machine maker: 3d. in the pound.—*Thomas Andrews*, Little James-street, Bedford-row, Middlesex, out of business: 3s. 5d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn, London, between the hours of 11 and 3.*

TUESDAY, MARCH 29.

**BANKRUPTS.**

**JONATHAN CLARKSON**, Strand, Middlesex, grocer and tea dealer, March 30 at half-past 12, and May 3 at 12, Court of Bankruptcy, London: Off. As. Johnson; Sol. Greville, 42, Lombard-street.—Petition filed March 13.

**ALEXANDER WILLIAM BELL**, Coles-terrace, Barnsbury-road, Middlesex, wine merchant, March 30 at 12, and April 26 at 1, Court of Bankruptcy, London: Off. As. Johnson; Sol. Stopher, 52, Cheapside, London.—Petition filed March 19.

**CHARLES FOX**, Haskbridge Oil Mills, Carshalton, Surrey, seed crusher, dealer and chapman, (under the style of Messrs. Charles Fox & Co.), March 30 at half-past 12, and May 4 at 11, Court of Bankruptcy, London: Off. As. Cannon; Sol. Weekes, 6, Hungerford-street, Strand, Middlesex.—Petition filed March 13.

**EDMUND OAKLEY**, Poole, corn, seed, and commission merchant, March 31 and April 28 at 1, Court of Bankruptcy, London: Off. As. Pennell; Sols. Rawlings, Wimbome Minster, Dorsetshire; Lovell & Co., Gray's-inn, Middlesex.—Petition dated March 12.

**HENRY BAKER**, Camomile-street, London-wall, London, sugar boiler, lozenge manufacturer, and confectioner, April 3 at 2, and April 27 at 12, Court of Bankruptcy, London: Off. As. Edwards; Sol. Vallance, 12, Tokenhouse-yard, London.—Petition filed March 19.

**WILLIAM PARKER HAMMOND**, Scott's-yard, Barking, London, shipowner and East India agent, April 4 at 2, and April 30 at 1, Court of Bankruptcy, London: Off. As. Graham; Sol. Leigh, 16, George-street, Mansion-house, London.—Petition filed Feb. 20.

**JAMES BEAVEN**, Bedminster, Bristol, bear retailer, mason, dealer and chapman, April 3 and May 1 at 11, District Court of Bankruptcy, Bristol: Off. As. Acraman; Sol. Salmon, Bristol.—Petition filed March 14.

**WILLIAM ENGLAND and FREDERICK HENRY ENGLAND**, Bratten Mills, Westbury, Wiltshire, woollen cloth manufacturers, dealers and chapmen, (trading under the firm of England & Son), April 3 and May 1 at 11, District Court of Bankruptcy, Bristol: Off. As. Miller; Sol. Harris, Bristol.—Petition filed March 19.

**PHILIP GREENSLADE**, Stoke Canon, Devonshire, farmer, cattle dealer, and salesman, dealer and chapman, March 28 and April 19 at 1, District Court of Bankruptcy, Exeter: Off. As. Hirtzel; Sols. Forwood, Tiverton; Turner, Exeter.—Petition filed March 19.

**ABSALOM BENNETT**, Gonvena, Eglosbayle, Cornwall, merchant, March 29 and April 26 at 1, District Court of Bankruptcy, Exeter: Off. As. Hirtzel; Sol. Stodden, Exeter.—Petition filed March 16.

**JAMES HOOD**, Selby, Yorkshire, carrier, dealer and chapman, April 5 and 27 at 11, District Court of Bankruptcy, Leeds: Off. As. Young; Sols. Weddall & Parker, Selby; Bond & Barwick, Leeds.—Petition dated March 17.

**WILLIAM EGGLESTON**, Halifax, Yorkshire, stuff merchant, dealer and chapman, April 5 and 27 at 11, District Court of Bankruptcy, Leeds: Off. As. Young; Sols. Holroyde & Co., Halifax; Bond & Barwick, Leeds.—Petition dated March 17.

**THOMAS BROWN**, Bradford, Yorkshire, grocer, dealer and chapman, April 2 at 1, and April 23 at 11, District Court of Bankruptcy, Leeds: Off. As. Hope; Sols. Caris & Cudworth, Leeds.—Petition dated March 19.

**WILLIAM CRITCHLEY**, Manchester, publican, dealer and chapman, March 30 and April 26 at 12, District Court of Bankruptcy, Manchester: Off. As. Hermann; Sol. Heath, Manchester.—Petition filed March 10.

**MEETINGS.**

*William Bond*, Drury-lane, Middlesex, licensed victualler, March 30 at half-past 11, Court of Bankruptcy, London, ch. ass.—*S. M. Krohn*, Bread-street, Cheapside, London, merchant, April 26 at half-past 1, Court of Bankruptcy, London, last ex.—*R. Beck*, Blackman-st., Southwark, Surrey, watchmaker, April 4 at 12, Court of Bankruptcy, London, last ex.—*Henry G. Cable*, Goswell-street, Clerkenwell, Middlesex, draper, April 4 at 12, Court of Bankruptcy, London, last ex.—*William Gillard* the elder, Catherine-street, Strand, and Thornhill-square, Islington, Middlesex, dealer in oils, April 3

at half-past 11, Court of Bankruptcy, London, last ex.—*Francis Bekrens*, Birmingham, general merchant, April 12 at 10, District Court of Bankruptcy Birmingham, last ex.—*S. Stansfield*, Little Hulton, Lancashire, cotton spinner, April 5 at 12, District Court of Bankruptcy, Manchester, last ex.—*Edward Murrens*, Maidstone, Kent, licensed victualler, April 3 at 2, Court of Bankruptcy, London, and. ac.—*M. Jacobs*, Steward-street, Spitalfields, Middlesex, warehouseman, April 3 at 1, Court of Bankruptcy, London, and. ac.—*T. Prichard*, Sidcup, Footscray, Kent, apothecary, April 3 at 1, Court of Bankruptcy, London, and. ac.—*Somersby Edwards*, Long Buckby, Northamptonshire, scrivener, March 31 at 12, Court of Bankruptcy, London, and. ac.—*Robert Thomas*, Wardour-street, Oxford-street, Middlesex, tool maker, March 31 at 12, Court of Bankruptcy, London, and. ac.—*Henry Hallow*, Jerry-street, Aldgate, London, apothecary, March 31 at 12, Court of Bankruptcy, London, and. ac.—*J. L. Pain*, Church-terrace and Abdenham-st., St. Pancras-road, and Acton-place, Bagnigge-wells-road, Middlesex, builder, March 31 at 12, Court of Bankruptcy, London, and. ac.—*Wm. Cross*, Melville-place, Hackney, Middlesex, printer, March 31 at 12, Court of Bankruptcy, London, and. ac.—*Henry John Todd*, Pancras-lane, London, warehouseman, March 31 at half-past 11, Court of Bankruptcy, London, and. ac.—*Wm. Burnett Andersen*, Billiter-street, Leadenhall-street, London, merchant, March 30 at 11, Court of Bankruptcy, London, and. ac.—*Henry Wigg and Burton Smith*, Gresham-street West, London, commission agents, March 31 at half-past 11, Court of Bankruptcy, London, and. ac.—*Wm. Phillips*, Minorities, Middlesex, brushmaker, March 31 at half-past 11, Court of Bankruptcy, London, and. ac.—*Ann Wilkinson*, Crossmere, Ebbw Vale, Shropshire, innkeeper, March 31 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*Elias Wedhurst*, Ardwick, Manchester, timber merchant, April 17 at 12, District Court of Bankruptcy, Manchester, and. ac.; April 24 at 12, div.—*James Schofield and Robert Schofield*, Rochdale, Lancashire, cotton spinners, April 13 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Geo. Pride*, David Jones, and John Gibb, Liverpool, sailmakers, April 2 at 11, District Court of Bankruptcy, Liverpool, and. ac.; April 11 at 11, div.—*John Bloomer and Jonathan Phillips*, Sheffield, Yorkshire, joiners' tool manufacturers, March 31 at 12, District Court of Bankruptcy, Sheffield, and. ac.—*James Atkinson and Alfred Atkinson*, Huntingdon, drapers, April 13 at 1, Court of Bankruptcy, London, div.—*James Lockier*, James M'Anley, and Thos. Woodward, Bristol, timber merchants, April 12 at 11, District Court of Bankruptcy, Bristol, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Henry Johnson*, Turnwhell-lane, Cannon-street, London, and Thames Ditton, Surrey, machinist, April 13 at half-past 12, Court of Bankruptcy, London.—*Wm. Hazle*, Poulton-road, Dalston, Middlesex, lace dealer, April 13 at half-past 1, Court of Bankruptcy, London.—*Geo. Hall*, Brighton, Sussex, upholsterer, April 13 at 2, Court of Bankruptcy, London.—*Henry Benson Cox*, Southampton, purser, April 13 at half-past 1, Court of Bankruptcy, London.—*James Bird*, Canton, near Cardiff, Glamorganshire, lime manufacturer, April 17 at 11, District Court of Bankruptcy, Bristol.—*Wm. Dasey*, Wellington, Somersetshire, baker, April 11 at 1, District Court of Bankruptcy, Exeter.—*Wm. Chadwick*, Liverpool, limeburner, April 11 at 11, District Court of Bankruptcy, Liverpool.—*John Dixon*, Liverpool, cooper, April 11 at 11, District Court of Bankruptcy, Liverpool.—*Jas. Aitken*, Liverpool, April 12 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an appeal be duly entered.*

*George Hart*, Strand, Middlesex, ironmonger.—*J. Gower*, Lawrence-lane, London, warehouseman.—*Jeremiah Cox*, St. George's-square, Finsbury, Middlesex, builder.—*Thos. Webb*, Cullum-street, London; St. Heliers, Jersey; and Leyton, Essex, distiller.—*D. Allen Ramsey*, Kensington-park-terrace, Notting-hill, Middlesex, builder.—*Richard Curtis*, Southsea, Portsmouth, Southampton, corn merchant.—*George Fyfoot Lyde*, Church-passage, Basinghall-st., London, sewed muslin maker.

#### PETITION ANNULLLED.

*Joseph Wilkinson* the younger, Hornsforth, Yorkshire, cloth manufacturer.

#### SCOTCH SEQUESTRATIONS.

*James M'Leish*, Perth, manufacturer.—*Wm. M'Naught*, Glasgow, brickmaker.—*Wm. Allison*, Paisley, Renfrewshire, tailor.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*George Turner*, Woodbridge, Suffolk, butcher, March 30 at 2, County Court of Suffolk, at Woodbridge.—*W. Pollard*, Bridgewater, Somersetshire, carpenter, April 4 at 9, County Court of Somersetshire, at Bridgewater.—*Samuel Hurford*, Bridgewater, Somersetshire, marble mason, April 4 at 9, County Court of Somersetshire, at Bridgewater.—*Edward T. Lane*, Bridgewater, Somersetshire, confectioner, April 4 at 9, County Court of Somersetshire, at Bridgewater.—*George W. Thomas*, Bridgewater, Somersetshire, merchant's clerk, April 4 at 9, County Court of Somersetshire, at Bridgewater.—*Wm. Margeson*, Wakefield, Yorkshire, dentist, April 7 at 11, County Court of Yorkshire, at Wakefield.—*George Burton*, Wakefield, Yorkshire, slubber, April 7 at 11, County Court of Yorkshire, at Wakefield.—*John B. Price*, Llangatlock, Brecknockshire, licensed victualler, April 4 at 11, County Court of Brecknockshire, at Crickhowell.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 18 at 10, before Mr. Commissioner MURPHY.*

*Edward J. Teale*, Wardour-street, Soho, Middlesex, dealer in oysters.—*Henry Ives*, Ponsoby-place, Vauxhall-bridge-road, Middlesex, assistant warder at Millbank Prison.—*B. Briden*, Union-street, Spitalfields, Middlesex, milkman.—*Anne Browne*, spinster, Ewell, Surrey, schoolmistress.—*J. Perryman* the younger, Drury-lane, Middlesex, out of business.—*Charles H. Debus*, College-terrace, Camden-town, Middlesex, baker.—*Thomas Dexter* the younger, Staines, Middlesex, carrier.—*Joseph Talbot*, Hampton, Middlesex, bricklayer.—*Henry Segram*, Elizabeth-street South, Finsbury, Middlesex, labourer.—*James Alworth*, Kingston, Surrey, poultryer.—*Thomas Craig*, Carriacoon-terrace, Old Ford-row, Bow, Middlesex, collector of rents.—*Thomas S. Stuart* the younger, Beck's-place, John-street, Marlborough-road, Chelsea, Middlesex, mercantile clerk.—*Edward H. Holmes*, Church-street, Kensington, Middlesex, linen draper's shopman.—*Marmaduke Henry Wilson*, Clarges-street, Piccadilly, Middlesex, musical professor.—*Bernard H. Healey*, Upper Tachbrook-street, Vauxhall-bridge-road, Middlesex, musician.

*Saturday, March 17.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*S. Goodlad*, Ashover, Derbyshire, farmer, No. 78,117 C.; *George Goodlad*, assignee.—*George L. Story*, Moreton-terrace, Kentish-town, Middlesex, estate agent, No. 64,757 T.; *John Kain*, assignee.—*Wm. S. Coek*, Canterbury, Kent, out of business, No. 71,662 C.; *Frederick A. Collins*, assignee.—*Wm. T. White*, Leeds, Yorkshire, commercial traveller, No. 78,106 C.; *John P. Leach*, assignee.—*James Glynn*, Tidenham, Gloucestershire, gardener, No. 78,510 C.; *C. Powell*, assignee.—*Thomas Walton*, York, No. 79,351 C.; *Joseph Pullan*, assignee.—*George Webster*, Leeds, Yorkshire, out of business, No. 79,397 C.; *John Walker*, assignee.—*G. Tyes*, Sheffield, Yorkshire, out of business, No. 79,400 C.; *James Blackwood*, assignee.—*Charles Allen*, Malvern Wells, Worcestershire, huckster, No. 79,436 C.; *Thomas Downing*, assignee.—*Wm. Montague* the younger, Heathfield, Sussex, farmer, No. 79,500 C.; *Richard Montague*, assignee.—*Joseph Hapworth*, High-town, near Leeds, Yorkshire, card-tooth maker, No. 79,515 C.; *John Sheard*, assignee.—*John Wadsworth*, Huddersfield, Yorkshire, dyer, No. 79,556 C.; *Wm. Kilner*, assignee.—*Wm. France*, Stockton-upon-Tees, Durham, out of business, No. 79,556 C.; *Wm. Fawcett Dodgson*, assignee.—*George C. Fletcher*, York, out of business, No. 79,580 C.; *Thomas H. Fricker* and *Charles Hewitt*, assignees.

Saturday, March 17.

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**Robert Hawksley**, Princes-street, St. Marylebone, Middlesex, grocer: in the Queen's Prison.—**Joseph Moulton**, Drayton-road, Westbourne-grove, Kensington, Middlesex, builder: in the Queen's Prison.—**Harry B. Chichester**, Dorset-place, Dorset-square, New-road, Middlesex, ensign in her Majesty's 50th regiment: in the Queen's Prison.—**Joseph Dunford**, Little Chesterfield-street, Portland-place, Middlesex, grocer: in the Debtors Prison for London and Middlesex.—**Henry J. Collett**, Navarino-place, Navarino-road, Dalston, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—**John Williams**, Ham-yard, Duck-lane, Wardour-street, Middlesex, farrier: in the Debtors Prison for London and Middlesex.—**David W. King**, Middlesex-place, Hackney-road, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—**Wm. Matthews**, Frederick-place, Hampstead-road, Middlesex, pianoforte maker: in the Debtors Prison for London and Middlesex.—**John S. Burke**, Rye-hill, Peckham, Surrey, railway contractor: in the Queen's Prison.—**Henry S. Shrapnel**, Hollis-place, Haverstock-hill, Middlesex, gentleman: in the Debtors Prison for London and Middlesex.—**Robert Archer**, Berne's-street, Oxford-street, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—**Abraham Hawkes**, Virginia-row, Bethnal-green, Middlesex, baker: in the Debtors Prison for London and Middlesex.—**Wm. F. Mockett**, Manor-place, King's-road, Chelsea, Middlesex, corn dealer: in the Debtors Prison for London and Middlesex.—**Cyrille Roy**, St. Katherine's Docks, St. George's-in-the-East, Middlesex, master mariner: in the Debtors Prison for London and Middlesex.—**John Milson**, Frederick-place, Goswell-road, Middlesex, carrier: in the Queen's Prison.—**W. Howitt**, Parkfield-cottages, Richmond-road, Putney, Surrey, out of business: in the Queen's Prison.—**Henry Scott**, Leicester, out of business: in the Gaol of Leicester.—**Robert Clarke**, Reading, Berkshire, carrier: in the Gaol of Reading.—**Robert Thompson**, Ashton-under-Lyne, Lancashire, builder: in the Gaol of Lancaster.—**William H. Chadwick**, Hulme, Manchester, pattern card maker: in the Gaol of Lancaster.—**Richard Royle**, Manchester, out of business: in the Gaol of Lancaster.—**John Kitchen**, Manchester, retail dealer in ale: in the Gaol of Lancaster.—**F. Coates**, Burton, Lonsdale, near Hornby, Lancashire, out of business: in the Gaol of Lancaster.—**Thomas C. Dutton**, Liverpool, out of business: in the Gaol of Lancaster.—**Wm. Moyes**, Liverpool, out of business: in the Gaol of Lancaster.—**John Totterdell**, Liverpool, wheelwright: in the Gaol of Lancaster.—**J. Gardner** the elder, Preston, cabinet maker: in the Gaol of Lancaster.—**J. Butterworth**, Wellfield, near Rochdale, Lancashire, blacksmith: in the Gaol of Lancaster.—**J. Gardner** the younger, Preston, Lancashire, cabinet maker: in the Gaol of Lancaster.—**Richard Brown**, Preston, Lancashire, assistant to a licensed victualler: in the Gaol of Lancaster.—**Jas. Shaw**, Lancaster, out of business: in the Gaol of Lancaster.—**Geo. Hesford**, Manchester, out of business: in the Gaol of Lancaster.—**John Cooper**, Lancaster, out of business: in the Gaol of Lancaster.—**Thomas Jenkins**, Preston, Lancashire, tailor: in the Gaol of Lancaster.—**Edward Thompson**, Hulme, Manchester, timber salesman: in the Gaol of Lancaster.—**Elizabeth Hough**, Hulme, Manchester, out of business: in the Gaol of Lancaster.—**Joseph Perrin**, Manchester, out of business: in the Gaol of Lancaster.—**Arthur Robson**, Staleybridge, Lancashire, joiner: in the Gaol of Lancaster.—**Robert Smith**, Preston, Lancashire, out of business: in the Gaol of Lancaster.—**Wm. Carlisle**, Preston, Lancashire, out of business: in the Gaol of Lancaster.—**John Shield**, Edgeland, near Liverpool, law stationer: in the Gaol of Lancaster.—**John Winterburn**, Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—**Hugh Spencer**, Liverpool, out of business: in the Gaol of Lancaster.—**Henry Twissall**, Preston, Lancashire, cabinet maker: in the Gaol of Lancaster.—**John Williamson**, Heaton Norris, near Manchester, manager to a gingham manufacturer: in the Gaol of Lancaster.—**George Sample**, Manchester, clogger: in the Gaol of Lancaster.—**Alexander Brown**, Manchester, bookseller: in the Gaol of Lancaster.—**John Rathbone**, Preston, Lancashire, plumber: in the Gaol of Lancaster.—**Wm. Hartley**, Manchester, out of business: in the Gaol of Lancaster.—**Wm.**

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*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 3 at 10, before the CHIEF COMMISSIONER.*

**Joseph Holder**, Warren-street, Fitzroy-square, Middlesex, out of business.—**Hyde Kirkman**, Somerset-street, Portman-square, Middlesex, architect.—**Alfred Vile**, Gravel-lane, Southwark, Surrey, licensed victualler.

*April 3 at 10, before Mr. Commissioner MURPHY.*

**Frederick Cleobury Mortimer Spearman**, Lower Sydenham, Kent, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cornwall, at BODMIN, April 4 at 10.*

**John Massey**, Liskeard, dealer in fancy goods.

*At the County Court of Monmouthshire, at MONMOUTH, April 7 at 10.*

**Enoch James**, Raglan, tailor.—**George Seaborn**, Newport, out of business.—**Henry Collins Williams**, Abergavenny, out of business.

# The Jurist

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## THE JURIST.

LONDON, MARCH 31, 1855.

It must be admitted by the warmest advocate for trial by jury, that decisions sometimes emanate from the jury-box of so extraordinary a nature as to create reasonable doubts whether we are right in our mode of selecting those who fill it, and requiring unanimity in their finding. Among them are doubtless the ignorant, the prejudiced, the obstinate, and those also of "little learning," who, having once made up their minds to a certain view of a subject, will adhere to that view in spite of every consideration that may be presented to them. That such elements in the jury-box may produce incalculable mischief we think is illustrated by the case of Elizabeth Avis Law, who was tried for murder before Platt, B., at the recent assizes held at Maidstone. The main features of this case were as follows:—A Mrs. Bacon, an elderly lady, had for some years occupied a house at Chatham, and the only person living with her on the 29th January last, the day on which the murder was committed, was the prisoner, a girl of twenty, who had been in Mrs. Bacon's service for two or three months. On the day referred to, at ten minutes past eight in the morning, a woman who supplied Mrs. Bacon with milk knocked at the front door, which was answered by the prisoner, and nothing peculiar was then remarked in her manner or appearance. It was proved that the front door at night was fastened by a lock and chain, but in the day-time it was usual to leave it on the latch. At a quarter past nine two boys had gone to the door, and after knocking and ringing some five minutes, the prisoner was heard coming towards the door, and something was then heard to slide back, as if a bolt was being

undone. On the door being opened, the boys saw that the prisoner's throat was cut, and the blood running down her neck from the wound. The lifeless body of the mistress of the house was then found lying upon the threshold of her own bed-room. She was dressed, with the exception of her gown. It was proved that her death, which in all probability had been instantaneous, was caused by repeated blows on the head from some blunt instrument. The face had been washed, and was still wet with blood-stained water. Although the body was found upstairs, yet, upon a minute examination of the premises, it was apparent that the murder had been committed in the lower part of the house, for in the cellar a large quantity of blood was found, and near it a chopper or hatchet used for cutting wood, stained with blood, and having upon it some of the gray hair of the deceased. Blood was traced from the cellar to the privy, and there the dress, the shawl, and some false hair which the deceased had usually worn, were found, all of them saturated with blood. In the cellar there were found a pail containing some bloody water, a tea-kettle, and also a flannel discoloured with blood. In the kitchen, which presented no appearance of any struggle, there was a pool of blood near the dresser, upon which was lying a bloody knife. There was also a mark of blood on the dresser, as if made by a finger, and the pool of blood was near enough to it to admit of a person bleeding there, and putting the knife where it was found. In the prisoner's bed-room a dress which she usually wore in the morning was also found stained with blood, and a bunch of keys belonging to the deceased, which she usually carried about with her, and which would enable the prisoner to obtain access to the boxes in which the deceased usually kept the cash she had in the house, which amounted

at the time to 100%. Upon the prisoner's wound being dressed, a piece of paper, marked with blood, dropped from her bosom, and was found to contain a ring and brooch belonging to the deceased. The purse of the deceased, containing money, was discovered in a tub of sand in the cellar, the purse and money being both marked with blood. It was shewn that the body of the deceased was so extremely light that it could be easily lifted, and that the prisoner was possessed of considerable strength. The prisoner had stated, immediately after the occurrence, that two men had done the deed; and subsequently, in a detailed statement, she had described the men as dustmen, who had entered the house by the front door upon her answering their knock; one of them, she stated, attacked her mistress, who ran into the cellar, and the other seized her, and after attempting to take liberties with her, had cut her throat to stop her screaming. She accounted for the possession of the ring and brooch by saying that in her fright she had taken them off the mantelpiece lest the men should take them. Medical men gave it as their opinion, that when the alarm was first raised the murdered woman had been dead some time, whilst the wound in the prisoner's throat was recently inflicted. The partition walls were so thin that a struggle or scream, it was deposed, must have been heard by the neighbours. No men of the description given by the prisoner had been seen in or near the place. And, lastly, the prisoner had been plundering her mistress for some time previously; nothing whatever being missed from the house but such articles as were proved to have been pawned by the prisoner previously to the murder. Thus was the case supported by as perfect a chain of circumstantial evidence as we venture to say was ever presented to a jury. Motive, opportunity, and means were all supplied. Every fact proved tended to exclude the possibility of any other hand having perpetrated the offence. Her statement was utterly irreconcilable with the facts proved. The verdict was, "We do not find the prisoner guilty upon the evidence produced." Upon that jury, it is stated by the local journals, was a staunch advocate for the abolition of the punishment of death, who had declared that should he happen to be upon the jury he would not consent to a verdict which would consign the murderer to the scaffold, let the evidence be what it might. Thus, we fear, justice was defeated, and another added to the list of those instances in which jurymen cannot be brought to confine themselves to their own province, or prevented from considering the effect of their verdict. Can this be provided for? and if so, by what means? are important questions, which arise from the perusal of cases such as the above, and which we hope to discuss in a future number.

#### NOTES OF THE WEEK.

In the case of *Reg. v. Downes*, which was a charge of perjury committed in the county court, and tried at Shrewsbury, (March 22), Lord Campbell, C. J., condemned the practice of subpoenaing in such cases the county court judge to prove the evidence given before him, and suggested that it should in future be proved by the attorney or some other party who was present at the trial of the cause.

In *Reg. v. Butcher*, tried at Bury, (March 21), for perjury in the Suffolk County Court, it appeared that the summons under which the cause was tried professed to be issued "by leave" of the county court judge, under sect. 60 of stat. 9 & 10 Vict. c. 95, but that the practice in that court was not to require the parties to make a specific application to the judge, but to obtain the leave from a clerk of the court on production to him of an affidavit embodying the requisites for such a proceeding. It was objected that there was no jurisdiction in the county court judge to hear the cause, as the issue of the summons in such a case was a judicial act, which could not be delegated. It became unnecessary to decide the point, but we should think there is little doubt of the objection being well founded.

In *Snead and Others v. The Shrewsbury and Hereford Railway Company*, tried at Hereford, (March 26 and 27), which was an action against the railway company for a breach of contract in not carrying the cattle of the plaintiffs from Leominster to Stamford in time for the fair there, Lord Campbell, C. J., directed the jury, that if there was a verbal contract by the station-master at Leominster with the plaintiffs, that their cattle should reach Stamford in time for the fair, that contract would be binding on the company, and would not be affected by any limitation of the authority of the station-master, of which the plaintiffs knew nothing. Also that a contract made by the station-master was not affected by a notice on the back of the ticket or receipt delivered to the plaintiffs' servant after the contract had been made and the cattle loaded on the trucks, which notice contained the following clause:—"The company is not to be held responsible for carriage or delivery within any certain or definite time, or in time for any particular market." And further, that the notice was of no effect in this case, because a useful section, introduced into stat. 17 & 18 Vict. c. 31, by the Earl of Derby, enacted, that unless such a notice was signed by the party receiving the ticket, it should not be binding. The jury found a verdict for the defendants, on the ground that the contract was not proved.

#### SHORT NOTES IN CONVEYANCING.—No. I.

##### *Deeds of Separation.*

An agreement by husband and wife to live separate and apart from each other is against the policy of the law, and will not be executed by a Court of equity; (Lord Langdale in *Frampton v. Frampton*, 4 Beav. 293); and the reason that this rule has been adopted is, that a man and his wife cannot live in a state of separation from each other without some failure on the part of one or both in the performance of duties in the fulfilment of which society has an interest. (Sir J. L. Knight Bruce, L. J., in *Cartwright v. Cartwright*, 3 De G., Mac., & G. 980). It has, however, been held, that engagements entered into between the husband and a third party shall be held valid and binding, although they originate out of and relate to that unauthorised state of separation in which the husband and wife have endeavoured to place themselves. (Sir W. Grant in *Worrall v. Jacob*, 3 Mer. 268). The principle which alone seems to be safely deducible from the authorities is, that when a husband has by his deed acknowledged that his wife has a just cause of separation from him, and has covenanted with her natural friends to allow her a maintenance during separation on being relieved from liability to her debts, he shall not be allowed to impeach the validity of that covenant. (Lord Denman in *Jones v. Waite*, 5 Bing. N. C. 363).

A covenant by a trustee to indemnify the husband against the debts which the wife might contract after a separation is a valuable consideration. (*Stephens v.*



*Olive*, 2 Bro. C. C., by Belt, 91). But such a covenant is not the only consideration that will support articles of separation; a covenant to put an end to a suit against the husband in the ecclesiastical court, or to pay him an annuity, (*Wilson v. Wilson*, 14 Sim. 406), or to pay his debts, is sufficient; and where there is a covenant by a third person to indemnify the husband against the debts of the wife, a Court of equity will enforce the husband's covenant for the payment of an annuity to the wife. (Sir J. Leach, M. R., in *Logan v. Birkett*, 1 My. & K. 225). In the case of a wife being absolutely entitled to property for her sole and separate use, she covenanted to pay an annuity to the husband; and the release by the husband of his marital right in the future acquired property of the wife was held to be a good consideration from the husband to support the claim to the annuity. (*Logan v. Birkett*, 1 My. & K. 225). But an agreement by a wife to waive the further prosecution of an indictment against her husband for an assault, in consideration of his allowing her an annuity by way of separate maintenance, is an illegal contract. (*Garth v. Earnshaw*, 3 Y. & C. 584). Lastly, it has been recently decided by Sir J. Romilly, M. R., that where a husband has covenanted with a trustee that his wife during her life might live separate from him, that he would not sue her in the ecclesiastical court for living separate, and would not otherwise molest her, the trustee covenanting with the husband to maintain the wife and indemnify the husband, the Court will restrain by injunction the husband from infringing his covenant. (*Sanders v. Rodney*, 16 Beav. 207).

All provisions which have reference to future separations are against the policy of the law. Any instrument which provides for a present separation, and which prospectively looks to the parties living together again, and then to a future separation, will, so far as it provides for that future separation, never be carried into effect. (Lord Eldon in *Westmeath v. Westmeath*, cited by Sir G. J. Turner, L. J., in *Cartwright v. Cartwright*, 3 De G., Mac., & G. 991). Where certain rights in property had been conferred by an ante-nuptial settlement on the intended husband and the intended wife, in the event of the marriage taking place, subject to a proviso for materially varying those rights in a manner favourable to the husband if a separation by reason of any disagreement or otherwise should take place, such a proviso was declared by Sir J. L. Knight Bruce, L. J., against public policy, and therefore void. (*Cartwright v. Cartwright*, 3 De G., Mac., & G. 989). But though a deed providing for a prospective separation is invalid, and a separation being terminated by a reconciliation, a clause to revive the provision for the wife is invalid, yet a provision for her separate use, notwithstanding future reconciliations or separations, is good. (*Byrne v. Carey*, 13 Ir. Eq. Rep. 1).

The test which the Court applies to deeds of this kind is thus stated by the present Chancellor of Ireland in his elaborate judgment in *Byrne v. Carey*, (13 Ir. Eq. Rep. 1). In that case a deed recited differences between a husband and wife, and an agreement to execute it in order to secure a maintenance for the wife in case such differences were renewed, and she should thereafter wish to live separate; and as an encouragement and recompense for her care of their children and domestic affairs while they should live together, and in order to secure an annuity to her in case of separation, and as a reward for her services so long as they should live together, the husband assigned certain property to trustees to secure the annuity for the wife's separate use, to commence immediately, and be payable during her life. The deed contained a covenant by the husband to allow the wife, at her option, to live separate, and a covenant by the trustees to indemnify him during the period of separation. "Is the deed," said his Lordship,

"one providing for a future separation? one against the policy of the law, and which would be an inducement to the wife to force a separation, in order to get the provision made by it? It is so far from that, that it provides she is to have the annuity at all events, and at once, and therefore should have a contrary effect; for having this provision while she lives with her husband, and is maintained by him, and only the same provision if she leaves him and has to support herself, she must be a loser by leaving him. It would, indeed, probably be adequate enough for her maintenance, considering the rank in life of the parties. In this view the motives suggested and the recitals are all against the case contended for, and are not within the authorities referred to." His Lordship then commented on *Lord Rodney v. Chambers*, (2 East, 283); *Nicholls v. Danvers*, (2 Vern. 671); *Wilson v. Mussett*, (3 B. & Ad. 743); *Frampton v. Frampton*, (4 Beav. 287); and *Jodrell v. Jodrell*, (9 Beav. 45); and having finished his review of the authorities, continued—"Looking, then, at this deed, and seeing that it provides for a present arrangement—the payment to be made at once, and not depending on the contingency of the wife leaving the husband—and being thus so far unobjectionable, I do not think that the recital of the motives of the parties for executing it can invalidate it. That but makes it a voluntary deed; and it is good as a voluntary deed, although it may contain clauses which the Court would not enforce, and which might affect it if the deed depended on them."

Deeds of separation are subject to the stamp duty of 35s. as deeds not otherwise charged, and to the ordinary progressive duty. If, however, by a separation deed a definite sum of money or share of stock be settled, it becomes further liable to ad valorem duty as "a settlement."

### Rebuts.

*A Letter to the Lord Chancellor on the contemplated Transfer of Land by Register.* By JOSEPH GOODEVE, Esq., of Lincoln's-inn, Barrister at Law. 8vo., pp. 71. [Benning.]

MR. GOODEVE's remarks are directed against the proposed register of titles, which in its most perfect form has been frequently discussed in these pages as Mr. Wilson's plan. The substance of his objections may be very briefly stated; and we, as advocates for Mr. Wilson's plan, propose to subjoin to each objection such answers as may suggest themselves. It will readily be supposed that Mr. Goodeve's argument looks much better in his own statement than in our abridgment; but we will endeavour to state all the material points fairly.

The scheme is recommended to the landowner as tending to economy and facility in dealing with land, and security. Its working must be considered in relation to every kind of dealing with land, and not merely to sales, which have been almost exclusively regarded in the discussion of the question. Land is held either in absolute ownership, or in mortmain or settlement more or less strict. The largest portion of the land—probably two-thirds—is in settlement or mortmain. Property in mortmain is so seldom alienated as to be almost beyond the scope of the measure. The most usual transfers of settled property are not sales, but settlements. The bulk of the settled estates rarely becomes subject to any other dealing with strangers than a lease or a mortgage. "The questions for discussion have been suggested above, as relating to both cost and facility of dealing. Making allowance for those sudden or urgent occasions of sale which brook no delay, the question does in the main practically resolve itself

into but one question—the question of cost;” and the question of delay is only noticeable for the sake of theoretical accuracy. [*Ans.* This is the old objection to change—that things are very well as they are. Under the present system it is almost impossible to realise money by the sale of an estate within three months from the time of resolving to sell; and the process not unfrequently takes as many years—certainly not with the good will of the vendor. Nothing is more common than for the investigation of the title to be made an excuse for delay by a purchaser whose money is not conveniently forthcoming. Even a mortgage, when both parties are equally urgent, generally requires several weeks for its completion. Under the register the interval between the making of the bargain and completion need not be two hours—a matter, surely, of importance in a mercantile country.]

The title of a settlor is not often investigated as upon a sale; and in cases of settlements the cost is merely that of the limited investigation necessary to ascertain the position of the settlor, and the cost of the instrument of conveyance. Both of these causes of expense will continue to exist under the register. There must be an investigation of the title behind the scenes, and there must be a deed of settlement to be kept behind the scenes. In the case of settlement, therefore, the registration will be an addition to the expense, just as at present the cost of a settlement of copyholds is increased by the customary assurances which are superadded to, and not substituted for, the deed of settlement. [*Ans.* The necessary additional expense of registration will be under 2*l.*, and it may be made much less in small transactions. Beyond the trouble and cost of the simple exchange of certificates, the register can never add either complication or expense to any transaction; but it will frequently facilitate matters even of settlement. For instance, an appointment of new trustees might be made by a simple letter or memorandum signed by the donee of the power, and a transfer on the register. Again: all the provisions inserted in settlements for the assurance of purchasers will be dispensed with, and the settlement will be a mere brief statement of the interests of the parties and the duties of the trustees.]

Next as to sales. In many cases mortgages or conveyances of small portions of large estates are taken upon credit, without much investigation, the title being generally known or believed to be good; and in other cases the range of the purchaser's inquiries is usually limited by special conditions, framed on a preliminary investigation of the title on the vendor's behalf. “To be sure, there is a certain amount of cost involved in this preliminary investigation, but it is of comparatively limited extent, being confined to the preparation of the abstract, (if, indeed, an abstract do not, either in whole or in greater part, already exist), and the fees paid to counsel for its examination, with the preparation of the requisite conditions.” It must be admitted, however, that, “as a general rule, and especially in large transactions, the cost of this preliminary investigation is a great charge upon every occasion of sale.” [This last remark excuses us from answering those which precede it. We believe that the total expense to vendor and purchaser occasioned by the necessity of investigating the history of the title is, on an average, from 4*l.* to 8*l.* per cent. on the amount of the purchase money—that is to say, from eight to sixteen times the ad valorem stamp duty. But to state the average is to understate the evil. The iniquity of the burthen is in its inequality. We have known the cost of a sale exceed one-third of the purchase money. A case is on record in which the purchaser waived a requisition, which involved an expense exceeding the purchase money, on condition of having the estate conveyed to him for nothing. The costs of

the numerous suits for specific performance must be included in the account against the existing state of things.]

Now for the costs of the register. There are thirty-seven millions of acres to be mapped in such a manner as to represent every subdivision of ownership, and enable the definition of every easement and right against the soil. The expense and time necessary to do this, if practicable at all, would be enormous. The original map would cost from 1,250,000*l.* to 2,000,000*l.*, and it must be perpetually revised at a great expense. Then there would be the cost to the parties of the preliminary inquiries, and disputes incident to getting the land on the register. [The truth must be our excuse for saying that this is a ridiculous exaggeration. The expense of making an original survey and map of England and Wales for the purposes of registration would be under an average of 6*d.* per acre, or 927,000*l.* for the whole. But there are now in existence, under the Ordnance and Tithe Commutation Surveys, maps of more than five-sixths of the country, sufficient for the purposes of a register office. It is a mistake to suppose that a Government map, defining the boundaries of each separate ownership, would be necessary, or that the map would ever require revision on the part of the Government. All that is wanted for the purposes of registration is a map containing sufficient details to enable the registrar to convert it into an index to each separate holding. The exact boundaries and details of the separate estate would be given on the map supplied by the parties applying to have their conveyance registered. Thus there would be in the general office, first, a general map of England and Wales, being the index map to the Ordnance survey; secondly, the Ordnance maps, serving as an index to the district maps; thirdly, the district maps, serving as indexes to the different titles—the absolute accuracy of these would be a matter of no moment at all; fourthly, the separate plans of each estate contained in the certificates of title—the accuracy of these would be of no more importance than is the accuracy of a plan on a conveyance at present. The question would always be, “Is the property sufficiently identified?” The registration of a conveyance would not alter its nature—it would still be a conveyance, and nothing more, and its operation would still be determined by the ordinary rules of construction. Many copies of the district or index map would be kept in the office; the different estates, as they came in to be registered, would be marked down on one or more of them; and as new assurances came in, subdividing or uniting former holdings, the proper alterations would be made in the index map, but no new Government survey would be made. Thus, with the exception of the survey necessary to supply any deficiencies in the existing maps, no Government survey would be necessary at all, and the burthen upon individuals would be simply the necessity of applying to the Tithe-office for a map on which to point out the property to be registered; or if that could not be procured, and no private map were at hand, of having a survey made at the cost of about 1*s.* an acre. The benefit would be the substitution of the accuracy of a map for the vagueness of verbal description. Mr. Goodeve's anticipation of expensive inquiries and disputes incident to getting the land on the register is a dream: no inquiries will be made and no disputes can arise; every one will be free to register any title he pleases. If two conflicting titles are registered, a certificate of that last registered, and the office index to each, will convey notice of the other.]

When all is done, the necessity of investigation will, for a period of forty or sixty years from the establishment of the register, remain as before. [This is no more than saying, when an acorn is sown, that it will be fifty years before it is well grown. In the meantime, how-

ever, there will be certain thinnings. We need not state the writer's objections to a system of judicial investigation and warranty of title, because that scheme does not come recommended with any weight of authority or argument.]

In case of the death of a sole registered owner, the facts of death, and testacy or intestacy, and in the latter case the title of the heir, and in the former the construction and validity of the gift under which the devisee claims, must be ascertained judicially—either by the registrar or by an ordinary Court—unless, indeed, the executor or administrator be constituted a real representative. Cases of lunacy, absence beyond seas, bankruptcy, and insolvency would require special procedure. [There must undoubtedly be provision for executors or administrators real. We are unable to see how the difficulties now occasioned by lunacy, absence beyond seas, &c. will be increased by a registry of title. We understand how they may be diminished by it in many cases.]

To the cost of the map and establishment of claim in the first instance (estimated at from 3,000,000*l.* to 4,000,000*l.*!) must be added that of the decennial revision of the map, and that of the buildings and staff which must be established in various districts.

Unregistered interests will not be protected by conveying notice to those who deal with the registered owner. Their protection will be provided for by caveats. The removal of these caveats will involve expense and difficulties. Either the registrar must have judicial authority, or subsequent purchasers must be left to ascertain that the caveat has been removed by proper authority. [This is a mistake. The instances of caveats for the protection of mortgagees and lessees given by Mr. Goodeve shew that he, in common with all the other objectors to Mr. Wilson's plan that we have yet met with, has not even taken the trouble to read Mr. Wilson's explanation of it.] Caveats would be lodged on every dealing with the estate not requiring a transfer on the register. The result would be—cost in placing and removing the caveats, and trouble and cost in investigating a title complicated with caveats. [Caveats would never be lodged where there was confidence in the registered trustees. Mortgages and leases would appear on the register. Any person would be at liberty to lodge a caveat; this would entitle him to notice of any dealing by the registered owner, and during a short time from the service of that notice he would have the opportunity of establishing his title against a purchaser. A person lodging a caveat, and satisfying the registrar of his title, would be entitled to "full notice," which would give him a period of several years within which to establish his right. The title under the caveat would be represented by a certificate, and be dealt with in all respects as a registered title. The removal of the caveat would therefore not involve any inquiry or delay.]

Next as to the cost of the transfer. The only case in which the transfer would be simple and inexpensive is the case of an absolute sale by an absolute owner; in other cases an auxiliary deed will be required. It is conceded that the expense of covenants for the production of title deeds would be saved in many cases; but these are not the most usual cases; and against the expense of getting in outstanding estates under the present system must be set off the expense of getting in the registered title when that is not the beneficial one. As to the actual instrument of conveyance, the length and cost of that under the present system is frequently an abuse rather than a necessity. The scheme should be considered with reference, not to a simple sale exclusively, but to all the various dealings to which land is subject. [The additional expense occasioned by the register need not exceed 1*l.*; the saving on sales and mortgages would ultimately be from four to ten per

cent. of the value of the estate on each sale or mortgage.]

Even granting a balance of gain, are there no drawbacks? The change is not called for on the ground of any insecurity attending the present system; and the uncertainty and consequent insecurity involved in any organic change in the system of title to property are a sound and weighty objection to it. *Prima facie*, the separation of the apparent from the real ownership appears to involve risk. The history of settlements of stock shews the danger. The security which now attends settled estates, though subject to powers of sale, will disappear when the consent of beneficiaries, the publicity of auctions, the intervention of solicitors, and the delay of investigating the title are no longer necessary. [Two instances of fraud are given, the relevancy of which we do not perceive.] Forgery is another source of danger. Caveats may miscarry. There must be either a separate caveat for each interest, (which would often be neglected), or a general caveat for the whole settlement, which is contrary to the principle of the measure. [Vague suggestions of danger are unanswerable. Mr. Wilson has shewn how forgery may be effectually guarded against. Caveats are not more liable to failure than conveyances, and they are not likely to be very numerous. Settled lands will generally be intrusted, as they now are, to trustees. If these are intended to be inalienable before the settlement ceases, they may be made so by lodging a distringas, to be removed on proof of the applicant's title before the registrar or a judge.]

The system must be compulsory: every estate in the kingdom must be surveyed and put upon the register: not a lease could be granted without resort to the registered owner. Suppose he is not forthcoming when wanted? Why compel the beneficial owner to resort to his trustee on every occasion? Will trustees always be found? [Trustees will be neither more nor less numerous under the proposed than under the existing system, and the difficulties occasioned by the separation of the legal and beneficial dominion will be the same. The tenant for life, with a leasing power, may take a power of attorney from his trustees.]

Mr. Goodeve is a practical man, has had much experience, and is plainly very anxious to make out a case against the proposed register. If the worst he can substantiate against it is, that it will not benefit certain large landowners, but rather add a few shillings to the expense of the settlement, the advocates of the measure may be well satisfied with Mr. Goodeve's letter.

## THE LAW OF BLOCKADE.

(Concluded from p. 78).

"The treaty of Ghent, concluded in 1814, established peace between Great Britain and America; but it is worthy of remark, that in that treaty no allusion is made to the maxim, so firmly maintained by the United States, that 'free ship makes free goods,' nor did it allude to the disputed right of search for British seamen on board American vessels.

"General peace was established throughout Europe in 1815; but the several treaties consequent thereon concluded between the different Governments of Europe do not contain any new provisions or arrangements with respect to maritime commerce, nor do any of them revive any such conditions as might have been annulled or suspended by treaties or active hostilities. Thus England was left to carry out in any future war her former recognised principles of international maritime law with as much rigour or stringency as she had hitherto done, or to relax or abandon them, as best suited her feelings, her policy, or her interest.

"This brief historical sketch brings me to the Orders

in Council recently promulgated by the English Government, and the results or effects of them.

"The words of one Order in Council, dated the 28th March, 1854, and which bear on the present subject, are—'To preserve the commerce of neutrals from all unnecessary obstruction, her Majesty is willing for the present to waive a part of the belligerent rights appertaining to her by the law of nations. It is impossible for her Majesty to forego the exercise of her right of seizing articles contraband of war, and of preventing neutrals from bearing the enemy's despatches, and she must maintain the right of a belligerent to prevent neutrals from breaking any effective blockade which may be established with an adequate force against the enemy's forts, harbours, or coasts. But her Majesty will waive the right of seizing enemy's property, laden on board a neutral vessel, unless it be contraband of war. It is not her Majesty's intention to claim the confiscation of neutral property, not being contraband of war, found on board enemies' ships; and her Majesty further declares, that being anxious to lessen as much as possible the evils of war, and to restrict its operations to the regularly organised forces of the country, it is not her present intention to issue letters of marque for the commissioning of privateers.'

"Such is the mild language of the hostile policy of the present day. I need scarcely add, that both in practice and theory an important change has been introduced into the exercise of our national belligerent rights. The flag of the neutral now covers and protects the property of the enemy—a maxim never before publicly avowed by Great Britain, except under special treaty. The property of a neutral is also declared inviolable even on board an enemy's ship. That, however, in itself, is no new expression of regard on the part of this country towards neutral property. In deference to the several writers on international law, and in compliance with the decisions of our courts of justice, we have resolutely opposed the doctrine of 'enemies' ships enemies' goods.' France, however, has, on the other hand, as steadily maintained it. And thus we have two maritime nations, foremost in the path of civilisation, each adopting a rule of international law directly at variance with each other—an instance, and by no means a solitary one, of the uncertainty and flexible elements which compose, or are supposed to compose, the law of nations. In our present alliance with France it became absolutely necessary that there should be uniformity of action respecting the exercise of belligerent rights; and thus the French Government has relinquished her claim to pronounce as liable to seizure the property of a neutral on board an enemy's ship; and England, on the other hand, has disclaimed her right to seize the enemy's property on board a neutral vessel. In further aid of these relaxations, it has been determined by both nations to grant no letters of marque.

"I now proceed to shew, as far as I am able, the effect of these Orders in Council, as evinced in the number, value, and tonnage of vessels captured by her Majesty's ships and the officers of the Crown, and condemned by a decree of the Admiralty Prize Court to be sold for the benefit of the captors.

"Another important Order followed, dated the 15th April, which declared, 'that all vessels under a neutral or friendly flag, being neutral or friendly property, should be permitted to import into any port or place in her Majesty's dominions all goods and merchandise whatsoever, to whomsoever the same might belong, and to export in like manner, to any port not blockaded, any cargo or goods not being contraband of war, or not requiring a special permission.'

"This Order directly justifies traffic with the enemy, both as regards British and neutral traders; but practically the British trader is excluded, by reason of the

fear of capture of his vessel if it enter the port of his enemy; and thus it is only by blockading the enemy's port that the British merchant can be put on the same footing as the neutral. Since the commencement of hostilities with Russia up to the 1st January, 1855, ninety-two vessels have been captured: of these, forty-nine have been condemned and sold as the property of the enemy.

"By allowing the neutral flag to protect the enemy's property it became necessary to resort to the blockade. The only method by which, under the recent relaxation of belligerent rights, unrestricted traffic in our enemy's produce could be prevented was by stopping its exit from his ports. This could be only effected through the operation of a blockade. This is neither the time nor place to define or quote authorities to shew what amounts to a legal blockade; but I may, I trust, be permitted to say, that a blockade is oftentimes wholly nugatory, both in law and practice. International legists tell us that the legality of a blockade depends upon the means of enforcing it with effect; which is something like saying, that an offender is legally a prisoner to him only who is strong enough to secure him. The due notification, also, of the existence of a blockade, and a knowledge or presumptive knowledge of its existence on the part of those who violate it, is necessary to render them amenable to capture for their act.

"An intricate and difficult question, involving proof of these facts, with reference to our blockade in the Baltic, is now pending before the English Prize Court, in which, virtually, the conflicting parties are the Danish and English Governments.

"The inferences that I would draw from these remarks are—

"1. That the loss consequent on the confiscation of Russian vessels and their cargoes has not affected that nation at large, but that the loss has chiefly fallen on a comparatively poor and insignificant portion of the population, and that the nobles and the higher classes are not yet sufferers thereby; and that there is therefore no influence to bear upon the will of the Emperor, so as to induce him to seek for peace.

"2. That the blockade of the ports of Russia has not, in the Baltic, prevented the export of her produce, nor the import of such articles as she imperatively requires, but has excited feelings of hostility on the part of the northern neutral powers of Europe towards England, which tends to estrange them from an alliance with her.

"3. That the recent Orders in Council, although abandoning much of that intolerant spirit which has heretofore characterised the exercise of our belligerent rights, might without injury to ourselves advance still further in the path of lenity. That it would be sufficient to blockade our enemy's ports for the purpose of preventing the ingress or egress of the munitions of war and disabling his ships of battle, but that his mercantile vessels should, if wholly engaged in commerce alone, be allowed to pass and repass unmolested.

"In conclusion, I would remark, that the American consul in this country, writing, on the breaking out of the present hostilities, to the Minister for Foreign Affairs in New York, states, that in an interview with the Foreign Minister of this country, the latter said 'that he had found great difficulties in overcoming the practice of England for so many years, and their unvarying judicial decisions; but that modern civilisation required a relaxation in the former rules, and that war should be carried on with as little injury to neutrals as was compatible with the interests and safety of belligerents.' In addition to this, the last message of the President of the United States of America contains language of much import as bearing on this question."

## London Gazette.

FRIDAY, MARCH 23.

## BANKRUPTS.

**PHILIP HENRY HATCH**, Wood-street, London, woollen warehouseman, dealer and chapman, March 30 at half-past 2, and April 27 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed March 8.

**THOMAS HUDSON**, Chobham, Surrey, grocer and corn dealer, dealer and chapman, April 3 at half-past 2, and May 1 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed March 12.

**GEORGE HARRIS**, Chichester, Sussex, grocer, April 3 at 3, and May 1 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Titchener, Chichester, Sussex; Palmer & Co., 24, Bedford-row, London.—Petition filed March 22.

**HENRY BUNNY**, Newbury, Berkshire, brick maker, cattle dealer, money scrivener, dealer and chapman, March 30 at 2, and May 4 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Talbot, Newbury; Lawrence & Co., 14, Old Jewry-chambers, London.—Petition filed March 12.

**ISAAC WILLIAM WALTON**, Haymarket, Middlesex, hotel-keeper, dealer and chapman, March 30 at half-past 1, and May 4 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Bailey, 10, Mitre-court-chambers, Temple.—Petition filed March 19.

**JAMES WILSON**, Princes-street, Hanover-square, Middlesex, tailor, April 3 and 30 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Campbell & Witty, 21, Essex-street, Strand, Middlesex.—Petition filed March 10.

**FREDERICK GEORGE TEALE and FRANCIS SMITH**, Welbeck-street, Cavendish-square, Middlesex, and Blackfriars-road, Surrey, builders and decorators, dealers and chapmen, April 4 and May 2 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Wetherfield, 14, Basinghall-street, London.—Petition filed March 22.

**THOMAS LEAVESLEY**, Coventry, Warwickshire, silk dyer, dealer and chapman, (lately carrying on business with Richard Hands, under the firm of Leavesley & Hands), April 7 and 28 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Minster, Coventry; Reece, Birmingham.—Petition dated March 20.

**CHARLES JAMES WILLIAM MORRIS**, Bilston, Staffordshire, draper and clothier, April 2 and 30 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Cowdell, jun., Hinckley; James, Birmingham.—Petition dated March 19.

**WILLIAM HESKIN OSBORN**, Leicester, wine and spirit merchant, dealer and chapman, April 3 and May 1 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Spooner, Leicester; Motteram & Knight, Birmingham.—Petition dated March 17.

**WALTER WILDE**, Liverpool, corn broker, April 5 and May 3 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Evans & Son, Liverpool.—Petition filed March 13.

**JAMES CRINAN**, Burnley, Lancashire, grocer, provision dealer, dealer and chapman, April 4 and 25 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Haigh, Liverpool; Sale & Co., Manchester.—Petition filed March 6.

**MARTHA HOPE IRELAND**, Newton Heath, Lancashire, dyer and bleacher, dealer and chapman, April 4 and 24 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. J. & B. Whitworth, Manchester.—Petition filed March 17.

**JOHN MORGAN**, Preston and Catshaw, Lancashire, spinner and tin-plate worker, dealer and chapman, April 3 and May 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Bickerstaff & Myers, Preston.—Petition filed March 10.

## MEETINGS.

*John Upson*, Beazley, Kent, shoemaker, April 12 at 11, Court of Bankruptcy, London, last ex.—*Edw. Jackson* and

*Eugene Clarke*, Manchester, wholesale milliners, April 16 at 12, District Court of Bankruptcy, Manchester, last ex.—*R. Desmond Sullivan*, Great Yarmouth, Norfolk, shipowner, April 13 at 12, Court of Bankruptcy, London, aud. ac.—*Geo. Boys*, Belitha-villas West, Barnsbury-park, Middlesex, wine merchant, April 5 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Joyce*, Greenwich, Kent, engineer, April 12 at 2, Court of Bankruptcy, London, aud. ac.—*Henry Clayburn*, Hulme, Lancashire, builder, April 3 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Geo. Wilson*, Salford, Lancashire, ironfounder, April 4 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*W. Whalley*, Stockport, Cheshire, cotton spinner, April 3 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*T. M'Kenna*, Belfast, Antrim, Ireland, draper, April 13 at 12, District Court of Bankruptcy, Manchester, aud. ac.; April 26 at 12, div.—*T. Thompson*, Newcastle-upon-Tyne, licensed victualler, April 17 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Robert Atkinson*, Hornington, Yorkshire, oil manufacturer, April 5 at a quarter to 11, District Court of Bankruptcy, Leeds, aud. ac.—*John Roper* and *Wm. Mitchell*, Keighley, Yorkshire, worsted spinners, April 5 at a quarter to 11, District Court of Bankruptcy, Leeds, aud. ac.—*Isaac Unwin*, Poland-st., Oxford-street, Middlesex, builder, April 12 at half-past 12, Court of Bankruptcy, London, div.—*Jules Arzigues*, Mark-lane, London, general merchant, April 16 at half-past 1, Court of Bankruptcy, London, div.—*William Vincent*, *Joseph Tanner*, *John Barnes*, and *Samuel Hancock*, Newbury, Berkshire, bankers, April 16 at 12, Court of Bankruptcy, London, div.—*Fred. Noake Baker*, Southampton, timber merchant, April 14 at 12, Court of Bankruptcy, London, div.—*Wm. Cross*, Melville-place, Hackney, Middlesex, printer, April 13 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Phillips*, Minories, Middlesex, brushmaker, April 13 at 1, Court of Bankruptcy, London, div.—*Robert Thomas*, Wardour-street, Oxford-street, Middlesex, tool maker, April 13 at half-past 1, Court of Bankruptcy, London, div.—*Henry John Achlin*, High Holborn, Middlesex, wholesale shoe manufacturer, April 14 at 11, Court of Bankruptcy, London, div.—*Stephen Carlton*, Darlington, Durham, coach manufacturer, April 19 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*John Williams* the younger, Talyarn, Llanlyfni, Carnarvonshire, draper, April 13 at 11, District Court of Bankruptcy, Liverpool, div.—*Henry Wales*, Attercliffe, near Sheffield, Yorkshire, innkeeper, April 14 at 12, District Court of Bankruptcy, Sheffield, div.—*John Frederick Kershaw*, Sheffield, Yorkshire, builder, April 14 at 12, District Court of Bankruptcy, Sheffield, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John R. West*, Canal-road, Kingsland, Middlesex, dealer in hard wood, April 16 at half-past 12, Court of Bankruptcy, London.—*John Beaumont* the elder and *John Beaumont* the younger, Commercial-place, City-road, Middlesex, coach-makers, April 13 at half-past 1, Court of Bankruptcy, London.—*Henry J. Achlin*, High Holborn, Middlesex, wholesale shoe manufacturer, April 14 at 11, Court of Bankruptcy, London.—*W. Foster*, Bridge Wharf, Millbank, Westminster, Middlesex, stone merchant, April 14 at half-past 11, Court of Bankruptcy, London.—*George James Lee*, Chertsey, Surrey, builder, April 17 at 2, Court of Bankruptcy, London.—*Joseph Stoddart*, Northleach, Gloucestershire, draper, April 20 at 11, District Court of Bankruptcy, Bristol.—*Thomas Thompson*, Newcastle-upon-Tyne, licensed victualler, April 17 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. Shipman*, Deansgate, Manchester, baker, April 18 at 12, District Court of Bankruptcy, Manchester.—*J. Latimer*, Newcastle-under-Lyne, Staffordshire, draper, April 12 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an appeal be duly entered.*

*Sidney Sprood*, Bristol, cabinet maker.—*John Hadfield*, Duckinfield, Cheshire, grocer.—*Jonathan Wailes*, Dewsbury, Yorkshire, scribbling miller.—*Thomas Carrier*, Wolverhampton, Staffordshire, hosier.—*Wm. K. Gibbs*, Dudley, Worcestershire, grocer.—*George Newmarch*, Nottingham, hatter.

## SCOTCH SEQUESTRATION.

*Robert Orricksants*, Auchinsair, Cadder, Lanarkshire, grocer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Henry Shalders*, Birmingham, commission agent, April 4 at 11, County Court of Warwickshire, at Birmingham.—*John Lust*, Birmingham, grocer, April 4 at 11, County Court of Warwickshire, at Birmingham.—*Edward H. Dean*, Birmingham, tobacconist's assistant, April 4 at 11, County Court of Warwickshire, at Birmingham.—*Thomas Swinnerton*, Birmingham, out of business, April 4 at 11, County Court of Warwickshire, at Birmingham.—*George Littlewood*, Birmingham, out of business, April 4 at 11, County Court of Warwickshire, at Birmingham.—*Robert Williams*, Newport, Monmouthshire, licensed victualler, April 11 at 12, County Court of Monmouthshire, at Newport.—*Henry Carless*, Dawley, Shropshire, draper, April 21 at 10, County Court of Shropshire, at Madeley.—*John Westbrook*, Shifnal, Shropshire, shoemaker, April 21 at 10, County Court of Shropshire, at Madeley.—*James Bradley*, Salford, Lancashire, joiner, April 3 at 11, County Court of Lancashire, at Salford.—*H. Joyner*, Carrington, Basford, Nottinghamshire, dyer, April 10 at 10, County Court of Nottinghamshire, at Nottingham.—*I. Joyner*, Nottingham, dyer, April 10 at 10, County Court of Nottinghamshire, at Nottingham.—*John O. Hanson*, Nottingham, travelling draper, April 10 at 10, County Court of Nottinghamshire, at Nottingham.—*John Hartley*, Arnold, Nottinghamshire, shoemaker, April 10 at 10, County Court of Nottinghamshire, at Nottingham.—*Francis L. Johnson*, Rochdale, Lancashire, bookkeeper, April 5 at 12, County Court of Lancashire, at Rochdale.—*James Ashworth*, Bacup, Lancashire, carter, April 5 at 12, County Court of Lancashire, at Rochdale.—*Wm. Butterworth*, Rochdale, Lancashire, shoemaker, April 5 at 12, County Court of Lancashire, at Rochdale.—*Wm. Clark*, Exeter, grocer, April 10 at 10, County Court of Devonshire, at Exeter.—*Jane Richer*, widow, Ipsworth, Suffolk, confectioner, April 2 at 10, County Court of Suffolk, at Bury St. Edmunds.—*Joseph Lockwood*, Newtown Linford, Leicestershire, foreman at a stone quarry, April 9 at 10, County Court of Leicestershire, at Loughborough.—*A. Hewes*, Stoughton, Worcestershire, schoolmistress, April 12 at 10, County Court of Worcestershire, at Pershore.—*James Newton*, Oldham, Lancashire, cotton-waste dealer, March 23 at 12, County Court of Lancashire, at Oldham.—*Harrison M'Donald*, Oldham, Lancashire, labourer, March 23 at 12, County Court of Lancashire, at Oldham.—*Wm. H. Gardner*, Leicester, cooper, April 11 at 10, County Court of Leicestershire, at Leicester.—*Richard Rowlands*, Chester, coal agent, April 25 at 10, County Court of Cheshire, at Chester.—*T. H. Cupe*, Hulme, Manchester, teacher, April 30 at 12, County Court of Lancashire, at Manchester.—*H. Cooper*, Burslem, Staffordshire, domestic servant, March 28 at 10, County Court of Staffordshire, at Hanley.

*County Court of Derbyshire, at Derby. An Assignee has been appointed in the following Case:—*

*Harriot Havenhand*, Eekington, sickle manufacturer, No. 79,384 C.; *Robert Barker*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, April 7.*

*Thomas B. Gale*, Kingston-upon-Hull, out of business.—*W. Uthman*, Kingston-upon-Hull, out of business.—*William Loomby*, Kingston-upon-Hull, hackney cartman.

*At the County Court of Norfolk, at the Shirehall, NORWICH CASTLE, April 7 at 10.*

*Henry Land*, Norwich, baker.—*Charles T. Scott*, Norwich, upholsterer.—*Robert Clark*, Norwich, blacksmith.—*R. C. Heigham*, Norwich, brewer.

*At the County Court of Nottinghamshire, at NOTTINGHAM, April 10.*

*Charles Bird*, Willoughby-on-the-Wolds, shoemaker.—*H. Pinchin*, Worksop-common, maltster.

*At the County Court of Devonshire, at EXETER, April 10.*

*John Linton*, Linton, out of business.—*Frederick Doyle*, Stonehouse, tailor.

*At the County Court of Leicestershire, at LEICESTER, April 11.*

*Henry Scott*, Leicester, out of business.

*At the County Court of Hampshire, at WINCHESTER, April 20.*

*James Churchill*, Southsea, Southampton, teacher of music.—*George Eaton*, Landport, Portsea, Southampton, agent to the National Mercantile Life Assurance Company, London.—*John Stephens*, Southsea, Southampton, lodging-house keeper.

TUESDAY, MARCH 27.

## BANKRUPTS.

**CHARLES VINER, HENRY VINER, GEORGE VINER, and JOSEPH JOHN VINER**, Brighton, and Cliff, Lewes, Sussex, plumbers and glaziers, (under the firm of C. Viner & Sons), April 5 at 11, and May 10 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. J. & J. H. Linklater, Sise-lane, London.—Petition filed March 23.

**JAMES CHURCHYARD**, Lothian-terrace, Cold-harbour-lane, Brixton, Surrey, builder, dealer and chapman, April 5 at 2, and May 8 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Ashursts & Morris, Old Jewry.—Petition filed March 24.

**GEORGE TIDD**, Codicote, Hertfordshire, corn dealer, dealer and chapman, April 5 at 12, and May 8 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Simpson, St. Albans; Crossly & Armstrong, Lombard-street, London.—Petition filed March 14.

**MARK BOYD**, New Bank-buildings, London, sharebroker, dealer and chapman, April 14 and May 11 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Harris, 34 A, Moorgate-street, London.—Petition filed March 7.

**JAMES LORD**, Edwards-terrace and Stephenson-terrace, Caledonian-road, Islington, Middlesex, oil and colour man, April 13 at half-past 12, and May 4 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Carpenter, 3, Elm-court, Temple, London.—Petition filed March 23.

**WILLIAM WILKINS**, Aylesbury-street, Clerkenwell, Middlesex, licensed victualler, April 4 at half-past 2, and May 19 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Pyke, 43, Lincoln's-inn-fields.—Petition dated March 23.

**HENRY NATHANIEL BYLES**, Gosport, Southampton, brewer, April 4 at half-past 12, and May 5 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Wilson, Salisbury; Taylor & Collinson, 28, Great James-street, London.—Petition dated March 16.

**PHILEMON EDWARDS**, Lower-street, Islington, Middlesex, ironmonger and builder, dealer and chapman, April 4 at 11, and May 5 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Petition dated Oct. 17.

**WILLIAM CORNISH**, Great Tharlow, Suffolk, grocer and draper, dealer and chapman, April 4 at half-past 1, and May 8 at 11, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Sole & Co., 68, Aldermanbury.—Petition filed March 5.

**GEORGE BERESFORD**, Portsmouth-street, Lincoln's-inn-fields, and Wych-street, Strand, Middlesex, carver, gilder, and picture-frame maker, dealer and chapman, April 4 at 12, and May 8 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Levy, 14, Arundel-street, Strand, Middlesex.—Petition filed March 16.

**GEORGE HOFFMAN**, Park-terrace, Park-road, Clapham, Surrey, (formerly carrying on business at Sarah's-place, James-street, Old Kent-road), brewer, India-rubber manufacturer, dealer and chapman, April 4 at half-past 2, and May 2 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. De Jersey & Son, St. Ann's-lane, City.—Petition filed March 19.

**JAMES JONES**, Birmingham, tailor and woollendrapier, April 7 and 27 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Baker, Birmingham.—Petition dated March 15.

**MORITZ GUMPEL COHN**, Great Bridge, Staffordshire, pawnbroker and clothier, April 11 and 30 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Payn, Birmingham.—Petition dated March 23.



**ROBERT BARBOR**, Phoenix-wharf, Surrey Canal-bank, Deptford, Kent, resin and tar distiller and grease manufacturer, dealer and chapman, (trading under the firm of Barbor & Co.), April 17 at 2, and May 8 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Nicholl, 33, Essex-street, Strand, Middlesex.—Petition filed March 26.

**WILLIAM GIBSON**, Alford, Lincolnshire, innkeeper, corn merchant, and coal merchant, April 18 and May 9 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Brackenbury, Alford, Lincolnshire.—Petition dated March 15.

**THOMAS HASTINGS IRWIN**, Southport, Lancashire, share broker and share dealer, April 11 and May 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Lacey & Co., Liverpool.—Petition filed March 23.

**JAMES HARGREAVES NUTTALL**, Liverpool, merchant and commission agent, April 19 and May 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Lowndes & Co., Liverpool.—Petition filed March 23.

**JOHN HUGHES**, Toxteth-park, Lancashire, joiner and builder, April 12 and 30 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Owen, Liverpool.—Petition filed March 16.

#### MEETINGS.

*John T. Merrick*, Hereford-road, Westbourne-grove, Middlesex, builder, April 7 at 11, Court of Bankruptcy, London, pr. d.—*Thomas B. Manning*, Creek-road, Deptford, Kent, ironfounder, April 7 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Thomas Brooks*, Henrietta-street, Covent-garden, Middlesex, and Sandown, Isle of Wight, Southampton, wine merchant, April 13 at 1, Court of Bankruptcy, London, aud. ac.—*Simson Stansfeld*, Little Hulton, Lancashire, cotton spinner, April 7 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John Evans*, Hampton-court, Middlesex, hotel keeper, April 20 at 11, Court of Bankruptcy, London, div.—*James A. Smith*, Queen-street, Hammersmith, Middlesex, and Newport-street, Lambeth, Surrey, lighterman, April 20 at 2, Court of Bankruptcy, London, div.—*John Midgley*, Nottingham, soda water manufacturer, April 24 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*J. B. Mercer*, Bath, carpenter, April 19 at 11, District Court of Bankruptcy, Bristol, div.—*G. Pearson*, Birkenhead, Cheshire, grocer, April 20 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas Standen*, Goudhurst, Kent, general dealer, April 19 at 2, Court of Bankruptcy, London.—*Henry Elgar*, Ashford, Kent, grocer, April 19 at half-past 11, Court of Bankruptcy, London.—*Henry Albert Linford* and *William Richardson*, Sherborne-lane, London, tavern and eating-house keepers, April 20 at 11, Court of Bankruptcy, London.—*William Turner*, Bow-lane, Cheapside, London, tailors' trimming seller, April 23 at half-past 1, Court of Bankruptcy, London.—*James Baylis*, Bruce-cottage, Tottenham, Middlesex, crape dresser, April 18 at half-past 1, Court of Bankruptcy, London.—*Samuel S. Ireland*, Brighton, Sussex, cabinet maker, April 18 at 1, Court of Bankruptcy, London.—*George W. Gibbert*, Waterloo-street, Hammersmith, Middlesex, licensed victualler, April 20 at 1, Court of Bankruptcy, London.—*J. W. Fisher* and *James Bacey*, Norwich, cabinet makers, April 20 at half-past 1, Court of Bankruptcy, London.—*Robert G. Rose*, Cowley-terrace, North Brixton, Surrey, draper, April 18 at half-past 11, Court of Bankruptcy, London.—*George M. Milnes*, Bennett-street, Blackfriars, Surrey, draper, April 18 at half-past 11, Court of Bankruptcy, London.—*G. Adamson*, West-street, Victoria-park, Bethnal-green, Middlesex, carpenter, April 20 at 2, Court of Bankruptcy, London.—*Juan Oliver*, Daventry, Northamptonshire, ironmonger, April 19 at 11, Court of Bankruptcy, London.—*John Birt*, Abinghall, Gloucestershire, paper manufacturer, April 20 at 11, District Court of Bankruptcy, Bristol.—*John Carver*, Liverpool, licensed victualler, April 17 at 11, District Court of Bankruptcy, Liverpool.—*John Williams* the younger, Talyarn, Llanfyllf, Carnarvonshire, draper, April 19 at 11, District Court of Bankruptcy, Liverpool.—*Hugh Brown*, Liverpool, merchant, April 20 at 11, District Court of Bankruptcy, Liverpool.—*Joseph Poppleton*, Leicester, lambs'-wool spinner, April 17 at 10, District Court of Bankruptcy, Nottingham.—

*J. H. Godber*, *F. Godber*, and *J. W. Howes*, Eastwood, Nottinghamshire, drapers, April 17 at 10, District Court of Bankruptcy, Nottingham.—*John Bates* and *Edward Bower*, Leicester, lambs'-wool spinners, April 17 at 10, District Court of Bankruptcy, Nottingham.—*Isaac Barton*, Stafford, grocer, April 19 at 10, District Court of Bankruptcy, Birmingham.—*James Swann*, Coventry, Warwickshire, hardware dealer, April 19 at half-past 10, District Court of Bankruptcy, Birmingham.—*James Ellis*, Birmingham, fender manufacturer, April 19 at half-past 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*John B. Mercer*, Bath, carpenter.—*T. Belhell*, Riley-street, Bermondsey, Surrey, licensed victualler.—*N. John Gardner*, Water-lane, London, commission agent.—*William Allavey*, Southport, Lancashire, dentist.—*John Cartmell*, Liverpool, shoemaker.—*James P. Deane*, Manchester, merchant.—*G. Heyworth*, Egypt Mill, near Rawstentall, Lancashire, cotton manufacturer.—*Jonathan Porritt*, Union Mill, Gildersome, Batley, Yorkshire, worsted spinner.

#### PARTNERSHIPS DISSOLVED.

*Edward Lloyd Powell* and *Cornelius Lloyd*, Abergavenny, Monmouthshire, solicitors in Chancery and attorneys-at-law.—*George Waugh* and *Henry Sadler Mitchell*, Great James-st., Bedford-row, Middlesex, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*James Bruce & Co.*, Paisley, coal merchants.—*Messrs. Bannerman & Morris*, Glasgow, merchants.—*Addison & Stables*, Keith, carriers.—*John Strathern*, Glasgow, commission merchants.—*John Dick*, Glasgow, carter.—*John Jack*, Uddington, Lanarkshire, grocer.—*William W. Mansell*, Glasgow, commission merchant.—*Smellie, Brothers*, Patrick, cartwrights.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Owen*, Shrewsbury, Shropshire, cabinet maker, April 24 at 10, County Court of Shropshire, at Shrewsbury.—*John Cook*, Swaffham, Norfolk, blacksmith, April 19 at 10, County Court of Norfolk, at Swaffham.—*Noah Shreeve*, Swaffham, Norfolk, baker, April 19 at 10, County Court of Norfolk, at Swaffham.—*Thomas Pickton*, Reading, Berkshire, brazier, April 17 at 10, County Court of Berkshire, at Reading.—*J. B. Hawson*, Chorlton-upon-Medlock, Manchester, joiner, April 30 at 12, County Court of Lancashire, at Manchester.—*Wm. J. Wadland*, Kingston-upon-Hull, butcher, April 7 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Joseph Andrew*, Kingston-upon-Hull, cowkeeper, April 7 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*William R. Crews*, Liverpool, joiner, April 3 at 10, County Court of Lancashire, at Liverpool.—*James Rogers Palmer*, Liverpool, professor of dancing, April 3 at 10, County Court of Lancashire, at Liverpool.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 19 at 11, before the CHIEF COMMISSIONER.*

*John T. Barnes*, Lime-street, Fenchurch-street, City, clock maker.—*Thomas S. Williams*, Grange-road, Bermondsey, Surrey, schoolmaster.—*Wm. Lee*, Turk-street, Bethnal-green, Middlesex, out of business.—*Benjamin Batt*, Nichol-square, Hackney-road, Middlesex, carpenter.—*Thomas Tving*, Wilton-street, Finsbury-square, Middlesex, brush manufacturer.—*Stephen I. Howell*, Aske-terrace, Bevingdon-street, Hoxton New-town, Middlesex, wholesale milliner.—*William Lucas*, Harriet-street, Fulham-road, Middlesex, builder.—*H. Cox*, Alpha-road, St. John's Wood, Middlesex, collecting clerk.

*April 20 at 11, before the CHIEF COMMISSIONER.*

*George Callingham*, Ewell, Surrey, plumber.—*R. Calcutt*, Terrace, Wimbledon, Surrey, plumber.—*John Birch*, Harland-square, Philip-street, Kingsland-road, Middlesex, saddle-tree maker.—*Richard Harris*, Praed-street, Paddington, Middlesex, oil and colour man.—*James Barr*, Twickenham, Middlesex, carpenter.



May 10 at 11, before Mr. Commissioner PHILLIPS.

**Mounsteven Wright**, Woolwich, Kent, steward in her Majesty's service.—**Robert Mopsey**, Victoria-terrace, Notting-hill, Kensington, Middlesex, accountant.—**James P. D. Camp**, Wood-street, Church-street, Spitalfields, Middlesex, stationer.—**Wm. Walker**, Cleveland-street, Belgrave-road, Pimlico, Middlesex, schoolmaster.—**Charles Powling**, King's Arms-yard, Blackfriars-road, Surrey, carman.—**Edward C. Vine**, Abbey-street, Bermondsey, Surrey, staymaker.—**Solomon Cole**, Manchester-st., Manchester-square, Middlesex, portrait painter.—**Charles Gunston**, York-road, Lambeth, Surrey, in no business.—**Alfred G. Addy**, Union-street, Kingland-road, Middlesex, baker.—**Stephen Newman**, Potters'-bar, South Mims, Middlesex, tailor.—**James H. Tully**, Southampton-st., Strand, Middlesex, professor of music.—**Flora Petit**, spinster, Alpha-road, St. John's Wood, Middlesex, in no trade.

Saturday, March 24.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

**Richard Brookes**, Upper Berkeley-street West, Middlesex, cheesemonger, No. 64,986 T.; **John Liles**, assignee.—**George W. Shaw**, Doncaster, Yorkshire, waterman, No. 79,492 C.; **John Mee**, **John C. Mee**, and **Charles S. Burnaby**, assignees.—**William Wigglesworth**, Bradford, Yorkshire, hairdresser, No. 77,587 C.; **James G. Hutchinson**, assignee.—**J. Baildon**, Halifax, Yorkshire, bookseller, No. 78,369 C.; **Thomas Clark**, assignee.

Saturday, March 24.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

**James Hinchley** the elder, Blackman-street, Southwark, Surrey, newsvender: in the Gaol of Surrey.—**Jas. Hillyer** the elder, Stratford, Essex, shoemaker: in the Debtors Prison for London and Middlesex.—**John Plews**, Fairfield-cottages, Fairfield-road, Bow, Middlesex, timber merchant: in the Debtors Prison for London and Middlesex.—**Jas. McCraw**, Castle-street, Leicester-square, Middlesex, baker: in the Debtors Prison for London and Middlesex.—**Thos. Simpson**, Pancras-st., Tottenham-court-road, Middlesex, coach builder: in the Debtors Prison for London and Middlesex.—**George Petit**, Saxony-cottages, Mare-street, Hackney, Middlesex, bricklayer: in the Debtors Prison for London and Middlesex.—**Henry Humphrey**, Gravelly-street, Hatton-garden, Middlesex, clerk to the Tuscany Mining Company: in the Debtors Prison for London and Middlesex.—**Frederick Rands Kennedy**, Devonshire-street, Red Lion-square, Middlesex, linen-draper: in the Debtors Prison for London and Middlesex.—**Jessett J. Taylor**, Bethnal-green-road, Middlesex, timber dealer: in the Debtors Prison for London and Middlesex.—**George Turner**, Whiskin-street, Clerkenwell, Middlesex, baker: in the Debtors Prison for London and Middlesex.—**John Collings**, High-street, Deptford, Kent, shoe manufacturer: in the Debtors Prison for London and Middlesex.—**Martins Robert Van Buren**, Hemmings-row, St. Martin's-lane, Charing-cross, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**Sarah Hardy**, Lambeth-road, Southwark, Surrey, not in any business: in the Queen's Prison.—**Wm. Squirrell Aldous**, Great Dover-st., Newington, Surrey, tailor: in the Gaol of Surrey.—**James Gransby**, Oxford, carpenter: in the Gaol of Oxford.—**R. C. Hephum**, Norwich, brewer: in the Gaol of Norwich.—**A. Seldes Silva**, Southampton, hotel keeper: in the Gaol of Southampton.—**Leonard Burton**, Brighton, Sussex, out of business: in the Gaol of Lewes.—**Charles James Philipps**, Kingbridge, Devonshire, gentleman: in the Gaol of Devon.—**Thos. Flockton**, Huddersfield, Yorkshire, cabinet maker: in the Gaol of York.—**Thomas Machan**, Lofthouse-gate, near Wakefield, Yorkshire, out of business: in the Gaol of York.—**John Nunn**, Colchester, Essex, tailor: in the Gaol of Springfield.—**Isaac Clark**, Maunden, Essex, beerseller: in the Gaol of Springfield.—**Thos. Bazendale**, Manchester, retail dealer in ale: in the Gaol of Lancaster.—**Edward Bladon**, Manchester, general agent: in the Gaol of Lancaster.—**R. Leech**, Wardle, near Rochdale, Lancashire, out of business: in the Gaol of Lancaster.—**Joseph Hollingworth**, Hulme, Manchester, out of business: in the Gaol of Lancaster.—**R.**

**Chadwick**, Gorton Brook, Lancashire, out of business: in the Gaol of Lancaster.—**John Stead**, York, out of business: in the Gaol of York.—**Charles Brearley**, Brighthouse, near Halifax, Yorkshire, clothier: in the Gaol of York.—**Thos. West**, Horton, near Bradford, Yorkshire, out of business: in the Gaol of York.—**Robert Holley**, Bristol, out of business: in the Gaol of Bristol.—**Edward Brindley**, Manchester, out of business: in the Gaol of Lancaster.—**Joshua Erlam Royle**, Cheetham, Manchester, commission agent: in the Gaol of Lancaster.—**Francis Pearce**, Union-place, Blackheath-road, Kent, out of business: in the Gaol of Maidstone.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Kent, at MAIDSTONE, April 10 at 12.

**J. Smith**, Enderby's-cottages, Marsh-lane, East Greenwich, clerk.—**Francis Pearce**, Union-place, Blackheath-road, out of business.

At the County Court of Essex, at CHELMSFORD, April 12 at 12.

**Edward Smith**, Brentwood, South Weald, grocer.—**John Nunn**, Colchester, cap maker.—**Isaac Clark**, Maunden, beer-seller.

At the County Court of Gloucestershire, at GLOUCESTER, April 12 at 10.

**Alena Larissa Bogration Blawatsky**, Cheltenham, out of business.

At the County Court of Hampshire, at SOUTHAMPTON, April 14.

**John Palmer**, Portswold, South Stoneham, surveyor.

#### INSOLVENT DEBTORS' DIVIDENDS.

**Ann Angelique Enot**, Titchfield-street, Oxford-st., Middlesex, importer of foreign lace: 10½d. in the pound.—**Thomas Poulsen**, Atworth, near Melksham, Wiltshire, innkeeper: 4s. 1½d. in the pound.—**Thos. Marshall**, Dunstable, Bedfordshire, architect: 9d. in the pound.—**James Stead**, Bradford, Yorkshire, grocer: 2s. 4½d. in the pound.—**W. Aylwin**, Wilcot, near Marlborough, Wiltshire, farmer: 1s. 8½d. in the pound.—**Wm. Henry Grantham**, Bicester, Oxfordshire: 7½d. in the pound.

Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn, London, between the hours of 11 and 3.

#### MEETING.

**Thomas Andrew Fitzgerald Reynolds**, Carey-street, Lincoln's-inn-fields, Middlesex, attorney-at-law, April 11 at 2, at Marter's, 5, Farnival's-inn, London, sp. aff.

#### CRIMINAL LAW—PLEADING, EVIDENCE, AND PRACTICE.

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LONDON, APRIL 7, 1855.

A QUESTION of considerable interest in a commercial point of view has been lately decided, not, however, without the dissent of one learned judge, in the Court of Exchequer. The case to which we allude is *Gibson and Another v. Sturge and Another*, (1 Jur., N. S., part 1, p. 259), which decides that freight is payable upon a cargo according to the quantity shipped, and not according to the quantity delivered, where the cargo has increased in bulk during the voyage, and there has been no agreement between the parties upon the subject. The facts were briefly these:—A cargo of wheat had been shipped at Odessa for Gloucester. The material part of the bill of lading was as follows:—"Shipped in The Prompt, now riding at Odessa, and bound for the United Kingdom, 3700 chetworts of wheat in bulk, to be delivered at the port of destination unto A. B. and C. D., or their assignees, paying freight for the goods as per charterparty." By a memorandum in the bill of lading it was declared that the quantity and quality were unknown to the master. The provision in the charterparty as to the freight was, that it was to be according to the London, Baltic, printed rates, which is a certain well-known rate per quarter. The wheat was accepted at Gloucester by the defendants as assignees of the bill of lading, and was

measured by the Custom-house authorities. It then measured 2785 quarters, instead of 2664 quarters, (the latter being the amount in quarters of the 3700 chetworts mentioned in the bill of lading, and which was found as a fact to have been the quantity shipped). The plaintiffs claimed freight on the larger quantity.

There was no evidence to shew the cause of the increased bulk, whether it arose from heat, or water, or the bad condition of the wheat when shipped, or from defective stowage, or the negligence of the master and crew during the voyage. There was no evidence of any usage controlling the point in dispute, and it was admitted on all sides that there was not any contract affecting it, either in the bill of lading or the charterparty. Although a similar state of facts must have often existed, it appeared to be a case of the first impression; and there being, therefore, no direct authority upon the subject, the learned judges discussed it upon general grounds of analogy, convenience, and justice. Martin, B., differing from the rest of the Court, was of opinion that freight was payable upon the quantity delivered. His Lordship said—"Freight is to be paid upon the wheat shipped and the wheat delivered. The wheat must be delivered to entitle the plaintiffs to freight; but they have delivered the entire quantity which was shipped. So far as appeared at the trial, every grain of wheat shipped on board at Odessa was delivered to the defendants at Gloucester. . . . It was argued, that the bulk which was deli-

vered beyond the bulk shipped was water, and not wheat; but there was no evidence that any water ever came in contact with the wheat at all, and I believe there are causes which increase the size of grain other than contact with water. . . . The valuable part of the grain is that which produces the flour; but in the grain there is the husk, and I believe always a certain quantity of moisture or water, which can only be removed by kiln or artificial drying. . . . The circumstance of the wheat being damaged does not at all affect the right of the plaintiffs to freight. It has been decided, that where the entire quantity was delivered the shipowner was entitled to the full freight, notwithstanding it was proved that the goods conveyed had been damaged by the negligence of the captain and crew, and that the remedy for the merchant was by a cross action for negligence. (*Davidson v. Gwynne*, 12 East, 381)." The learned judge then rested his judgment upon the following grounds—first, it was just and reasonable that the measurement of the *largest* space occupied by the cargo during the voyage should be the test for ascertaining the payment of freight; secondly, by analogy to the case above stated, that freight is payable upon the delivery of the entire quantity shipped and accepted, irrespective of its condition; and, thirdly, upon the ground of convenience, as it was often impossible to measure the cargo when shipped, (sometimes, as in the principal case, out of barges in an open roadstead), while, upon its arrival in this country, it is by law to be measured under the supervision of the Custom-house authorities. Were the delivery of the cargo and the payment of the freight to be held in suspense until a communication could be made to Odessa, in order to ascertain whether the quantity mentioned in the bill of lading was correct? If, on the one hand, the making the freight payable on the quantity delivered would hold out a temptation to shipmasters to wet the cargo, and so increase its bulk; on the other, a contrary rule would enable a dishonest consignee to delay the payment of freight, which he might be desirous of doing when the article on its arrival was low in the market.

The other learned judges, (Pollock, C. B., and Alderson and Platt, BB.), however, held that the shipment was to determine the amount payable as freight. The definition of "freight," they said, was the price payable for the carriage of goods from the port of loading to the port of discharge; it was not earned unless they were carried from the beginning to the end of the voyage; and the increase in bulk of this cargo arose *ex confesso* after the shipment. The case was analogous to that of the pregnant females mentioned in Molloy, (1 De Jure Maritimo, 374, 9th ed.), where no freight is payable for the infants of which they are delivered during the voyage; so, where animals have been shipped, and some die during the voyage, freight is payable only for those which arrive; and again, where goods, as in the case of molasses, have wasted in bulk during the voyage, freight is payable only for the residue.

These admitted cases could be explained only on the ground that freight was to be calculated and paid on that amount only which was put on board, carried throughout the whole voyage, and delivered at the end to the merchant.

It is the duty of the master to ascertain the quantity he receives at the time of loading, and this may be done without difficulty, as he must be aware of the number of cubic feet which his vessel is competent to afford to the stowage of grain, and the cubic bulk of such a commodity as grain when stowed.

There was not a real, but only an apparent increase in the commodity; it may be that during the last two or three days of the voyage the wheat imbibed a quantity of water, which made it occupy a larger space, and the shipowners claim freight for the water so imbibed, as well as for the wheat that was shipped and carried the whole voyage; if the water could be separated, the defendants would be entitled to reject it, and be liable for freight only on the wheat freed from this injurious addition. Suppose a cargo of sponge shipped dry, and to be paid for by weight at the end of the voyage, the consignee might surely squeeze out all the water imbibed during the voyage, and pay for sponge only. The mere difficulty of separation cannot, however, affect the question. "It is manifest," said Pollock, C. B., "that a cargo of wheat may be increased in bulk (and to the great injury of the cargo) by the fraud or negligence of the captain and crew; and I think that laws ought to be framed, and the decisions of Courts of law (as far as possible) ought to be founded, on the same principles as prevail in the moral government of the universe—that, as far as possible, *duty and interest should not be opposed to each other*. I think it would be dangerous and mischievous to give a shipowner a right to charge more freight for an injurious alteration in the commodity carried, which he or his agents have always the means in their own hands of producing."

### Reviews.

*A Treatise on the Law of Letters-patent for the sole Use of Inventions in the United Kingdom of Great Britain and Ireland, including the Practice connected with the Grant. To which is added a Summary of the Patent Laws in force in the principal Foreign States, with an Appendix of Statutes, Rules, Practical Forms, &c. By JOHN CORYTON, Esq., of Lincoln's-inn, Barrister-at-Law.* [H. Sweet, 1855.]

THE law of patents, after having continued unaltered from the passing of the Statute of Monopolies to the year 1834, has of late years been the subject of much learned and scientific discussion, which has led to great difference of opinion; some able authorities having even gone so far as to assert that the entire system is wrong in principle, and positively injurious to those whom it is intended to benefit. We have already discussed this interesting question at some length, (16 Jur., part 2, p. 102); but while we maintain the principle of patent monopolies to be in the main right, we do not dispute that the law still requires considerable amendment, not only in the practice connected with the grant, but in the application of the principle itself.

The importance to a commercial nation of settling on a right basis the office of Government with respect to trade, and the unsatisfactory state of the existing law of patents, render any suggestions for the improvement of the latter of great interest to the public. Mr. Coryton has ably discussed, in an introductory chapter, the chief questions connected with the policy of patents, and the defects of the present law, making some useful suggestions for its improvement. We recommend the perusal

of this chapter to every person interested in patents, as the observations it contains evidently proceed from a careful thinker.

In expounding the principles of the existing law of patents, Mr. Coryton has treated the subject in a manner materially differing from that of former writers.

"Hitherto," says the author, "this subject has been treated as a branch of royal franchises conferred through the instrumentality of letters-patent, at the mere motion of the Crown, the grant in this instance flowing from it in its character of patron of industry, ingenuity, and skill.

"An entirely different hypothesis has been here assumed to underlie the structure of patent law—one which admits of its leading questions being discussed on broad general principles, instead of by reference to rules framed for purposes alien to inventions, and but imperfectly applicable to the contingencies of modern trade. It places the grant on the footing of a privilege, resulting from a contract in restraint of trade, between the Crown (as representative of the public) and the patentee, and considers its *de facto* character as a royal grant to influence the question (as will be seen by the decided cases) to a very inconsiderable extent.

"If simplicity of arrangement be any criterion of the true solution, the supposition here proceeded on would appear to be of solid foundation. Referred to it, the 'subject-matter,' (or 'invention,' the terms being interchangeable), elsewhere so minutely yet variously described, admits of a definition at once comprehensive and concise—as 'the material result of an unpublished improvement in the manufacture of articles for public use.' It is this which forms the leading feature in the scheme. The person of the patentee becomes in comparison with it a subordinate idea—as 'the first publisher by means of a specification of the invention.' It furnishes, moreover, the key to the questions which have arisen on the sufficiency of the specification and other points, and which, as hither discussed, can hardly be said to have been satisfactorily disposed of.

"The theory is no new one. As the compromise of a great contest between sovereign and people, the law was settled, on the issue of that contest, with regard to the great principles it involved—principles which, with scarcely any exceptions, have regulated the administration of the grant from the passing of the Statute of Monopolies to the present day."

The advantage to patentees from considering questions relating to patents upon this hypothesis (which appears to us the correct one) is obvious, as it tends to remove some of the antiquated opinions which have operated to the injury of owners of patents, and it is with pleasure that we remark the adoption by modern judges of more liberal principles in deciding the cases which are brought before them. (See p. 39).

The practical part of Mr. Coryton's book will, we think, find favour with the public on account of the simplicity of its arrangement, and the clearness with which the law is stated. The second chapter, on the subject-matter of a patent, is particularly worthy of notice. Most of the recent cases are referred to, and the alterations effected by the last statute (15 & 16 Vict. c. 83) are, with some slight exceptions, carefully noticed. The last chapter, containing concise notices of the law of patents in every foreign state of importance, is novel, and probably not the least useful part of the work. The clear and untechnical style in which Mr. Coryton's book is written, and the practical suggestions contained in it, make it one which may be consulted with advantage as well by the inventor as the lawyer.

*A Treatise on the Law of Costs in Actions and other Proceedings in the Courts of Common Law at Westminster.* By JOHN GRAY, Esq., of the Middle Temple, Barrister-at-Law. [Lumley, 1854.]

Costs form a considerable item in the results of an action, and are often the principal, sometimes the only, object of litigation. Questions connected with them occur at every stage of the suit—questions frequently of a subtle and complicated character, which must be considered and solved by the practitioner. There are costs interlocutory and costs final, the general costs of the cause and the costs of specific issues; which, again, are subdivided into the costs of distributive issues. There is the power of depriving of costs altogether, and the power of giving them by certificate or order, under the County Courts Acts. Such are only some of the numerous forms in which this subject presents itself. Notwithstanding the constant necessity of referring to this branch of our law, no distinct treatise had been published upon it since the work of Mr. Baron Hullock, some forty years ago, until the appearance of Mr. Gray's book. It might be supposed, *a priori*, that "costs," however interesting to attorneys and a large portion of their clients, would make but a dry sort of book—a compilation of statutes, rules of court, and cases, without affording much opportunity for logical arrangement, or for the deduction of general rules. Far different, however, is the result under the skilful treatment of Mr. Gray, who has reduced the "chaotic mass" into order, and, by the aid of great industry and learning, has sought out the principles upon which the decisions on the subject *ought* to rest, reconciling and discarding as authorities those cases and dicta which conflict with or deviate from such principles. In his own words, "it must not be imagined that questions of costs are decided upon mere abstract arbitrary provisions, without reference to general principles. Formerly, indeed, principles were in some degree lost sight of, and considerable confusion was caused by the conflicting and erroneous decisions which ensued; but the Courts of late years, assisted by the Legislature, have done much to restore order and congruity. An endeavour has been accordingly made to give this work a character for something more than a repository of statutes and cases, by keeping principles ever in view; and while placing the foundation of the decisions of the Courts in an intelligible light, pointing out unreservedly where those principles appear to have been departed from." (Pref., p. iv).

The learned author has succeeded in his endeavour, and has also set an example of the spirit in which treatises upon legal subjects should be conceived and executed. We have said that points of some nicety are not unfrequently raised with regard to costs. As an illustration, we may refer to a series of decisions tending to shew that a plaintiff is sometimes better off by not recovering any damages than by recovering some damages; that is, by failing altogether than by success. Thus, the statutes passed with a view of preventing frivolous actions, enact that a plaintiff shall not be entitled to any costs if he recover by verdict less damages than a certain sum—e. g. 40s. (3 & 4 Vict. c. 24, s. 2). Where, therefore, in an action of libel, the defendant pleaded not guilty, and several pleas of justification, and the plaintiff recovered a verdict upon all the issues, damages three farthings, it was held that he was not entitled to any costs. (*Newson v. Rowe*, 1 C. B. 187; *Sharland v. Loaring*, 1 Exch. 375). But where one of the issues, going to the whole cause of action, was found against him, and so no damages were assessed, he was held entitled to the costs of the other issues which were found for him. (*Skinner v. Shopper*, 6 Bing. N. C. 131). The action in the latter case was for slander, to which were pleaded a plea of not guilty



and a justification; at the trial a verdict was found for the defendant on not guilty, but for the plaintiff on the justification. Tindal, C. J., in delivering the judgment of the Court, said—"The statute intended only to provide for the case of frivolous actions of slander, where the jury, after hearing the merits, have decided affirmatively, by their verdict, that the plaintiff is entitled to less damages than 40s. on account of the words spoken. In this case, however, the jury have made no estimate at all of the damages sustained by the plaintiff by reason of the defendant's excuse for speaking the words; so that it cannot be said that the damages might not far exceed the sum of 40s., if that question had come before the jury."

"With respect to the apparent anomaly," says Mr. Gray, (p. 23), "assumed to be caused by the stat. 3 & 4 Vict., namely, of placing an unsuccessful plaintiff in a better position than a successful one, it may be observed, that the statute has not, in fact, any such general effect, for it is only under a particular state of circumstances that an unsuccessful plaintiff would be in a better position than if he succeeded in obtaining damages under 40s.; for it must not be forgotten, that if unsuccessful, he is liable to the general costs of the cause. For example, in the case of *Newton v. Rowe*, (1 C. B. 187), it is incorrect to assume that the plaintiff would have been better off if the defendant had obtained a verdict on the plea of not guilty; for in that case the plaintiff would have had to pay the general costs of the cause, which in ordinary cases would outweigh the costs of the issues found for him."

As an illustration of Mr. Gray's method of treating the various branches of his subject, we may refer especially to his chapter on security for costs. (Chap. 32, p. 324). Almost all the decisions upon this head are shewn to range themselves under two principal classes—namely, first, where the plaintiff resides abroad; and, secondly, where he is in insolvent circumstances, and is suing as the mere nominee or for the benefit of a third party.

There are numerous exceptions and distinctions ingrafted upon this fruitful stem\*; for instance, reference to arbitration upon the usual terms; award for a sum less than 20l.; costs of the cause will be taxed upon the lower scale, but costs of the reference upon the higher. (*Holland v. Vincent*, 9 Exch. 274). The City of London Small Debts Act, being different in its provisions from the General Small Debts Act, has produced corresponding distinctions in the cases which have proceeded upon the two. (See *Chaplin v. Long*, 9 Exch. 673; *Borradale v. Nelson*, 14 C. B. 655; *Cas- trique v. Page*, 13 C. B. 458).

Mr. Gray's book comprehends not only the subject of costs in an action, with its numerous ramifications, but also costs on awards, mandamus, prohibition, quo warranto, indictments, and other proceedings removed by certiorari, criminal information, and of rules and motions. He also treats of the taxation of costs, of setting off and deducting costs of issues, and of the modes of recovering costs.

It should also be mentioned that the law relating to costs, under the County Courts Acts and the Common-law Procedure Act, 1852, is fully discussed in the pages now under review.

We can with pleasure recommend Mr. Gray's work as a very able treatise upon a subject of great practical utility.

\* Paroën the expression: we do but follow Lord Coke, soaring from the low regions of law to the nebula of fancy.

## Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—The case of *Russell v. Mculloch*, reported in one of your recent numbers, (1 Jur., N. S., part 1, p. 157), induces me to call the attention of your readers to the extremely anomalous state of the law with reference to the point raised in that case—the effect, namely, of a judgment, as a charge upon a charge, giving a mortgagee's or chargee's judgment creditor an equitable lien upon the land in mortgage, or subject to the original charge.

Now, the words of the corresponding Irish act (3 & 4 Vict. c. 105, ss. 19, 22) are precisely the same as those of the English act, (1 & 2 Vict. c. 110, ss. 11, 13), even to the extent of including copyholds, although the statute is confined to Ireland. But the same point as to the lien upon a mortgagee's or chargee's interest in the land in mortgage, or subject to the charge, having arisen there, it was thought worth while to pass a declaratory act (13 & 14 Vict. c. 29, s. 12) to negative the interpretation contended for, so far as Ireland is concerned, but leaving the English act untouched, although it must have been obvious that the same question would come, sooner or later, to be raised here, and thus leading to the absurd result, that the Legislature has declared the same words to mean one thing in Ireland, which the judicature in England has declared to mean the very reverse here. Will some one get a declaratory act passed to extend the 13 & 14 Vict. c. 29, s. 12, to England, and let us have a consistent interpretation of the same words?

I am, Sir,

Your obedient servant,

C. B.

## PROSPECTUS OF THE LECTURES

To be delivered during the ensuing Trinity Educational Term by the several Readers appointed by the Inns of Court.

### CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Public Lectures to be delivered by the Reader on Constitutional Law and Legal History will comprise the following subjects:—

Close of the Reign of William III—Improvements in the Constitution during that period—Law of Treason—Law of the Press—Exclusion of Placemen from Parliament—Independence of the Judges—Triennial Act—Condition of the Dissenters—Parliamentary Inquiries into the Mismanagement of Military Affairs from the time of William to the close of the American War—Place Bill of 1743—Secret Corruption—Aylesbury Election—Kentish Petition—Termination of the direct Struggle between the Crown and the House of Commons—Renewal of the Contest under the Administration of Lord Bute—Increased Power of the Middle Class—Reigns of the Tudors—Progress of the Constitution during the Reign of Elizabeth—Acts of Supremacy and Uniformity—Statute of 1562—Persecution of Puritans and Catholics—Views, Character, and Eloquence of Cartwright—Reasons why his Writings have been neglected—Protection of the Subject's Liberty—Privileges of the House of Commons—Influence of that body at the Accession of James I, compared with its Influence at the Accession of Henry VII—Reasons why there is no good History of England since the Revolution.

In his Private Lectures the Reader will pursue the History of England to the Death of William III, and from that period to the Accession of George III. He



will then return to the Reign of Henry VII. It will be his object to illustrate the subject by referring to the law and history of other countries.

Books:—*Millar's View of the English Constitution*—Hallam's chapters on William III, George I and II, and chapter on the Reign of Elizabeth—*Parliamentary History*, vols. 1 and 5—*Tindal's or Belsham's William III, George I, and George II*—*Foster's Crown Law*—*Blackstone*, vol. 4—*Rapin's History of Elizabeth*.

The Reader on Constitutional Law and Legal History will deliver his Public Lectures in Lincoln's Inn Hall on Wednesday in each week during the Educational Term, commencing at two p.m.; the first Lecture to be delivered on the 18th April. The Reader will receive his Private Classes on Tuesday, Thursday, and Saturday mornings in each week, at half-past nine o'clock, in the Benchers' Reading Room.

#### EQUITY.

The Reader on Equity proposes to give, during the ensuing Educational Term, a course of Twelve Lectures upon the following subjects:—

##### I. On Equitable Presumptions.

1. Presumptions which arise from an act being done apparently in discharge of an obligation. Presumed performance of covenants to settle. Satisfaction of debts by legacies.

2. Presumptions arising from the similarity of two gifts. Legacies substitutional or cumulative. Against double portions.

3. Presumption arising from the inconsistency of several claims. Election.

4. Presumptions derived from the nature of a transaction which control the effect of written instruments. Obligations joint in form treated as several. Resulting trusts.

##### II. On the Jurisdiction of Equity in Matters of Account.

##### III. On Partnership.

##### IV. On the Administration of Assets.

##### V. On marshalling Assets and Securities.

##### VI. On the Jurisdiction of Equity in Transactions which are affected with Illegality; which are contrary to Public Policy; in cases of Fraud, Unfair Advantage.

In his Private Classes, the Reader on Equity will explain and illustrate the various heads of Equitable Jurisdiction depending upon Superiority of Procedure, as well as the Leading Rules of Practice and Pleading adopted by the Court of Chancery.

The Reader will deliver his Public Lectures in Lincoln's Inn Hall on Thursday in each week during the Educational Term, commencing at two o'clock p.m.; the first Lecture to be delivered on the 19th April. The Reader will receive his Private Classes on Monday, Wednesday, and Friday evenings in each week, from seven to nine o'clock, in the Benchers' Reading Room.

#### LAW OF REAL PROPERTY, &c.

The Reader on the Law of Real Property, &c. proposes to deliver, in the ensuing Educational Term, a course of Twelve Public Lectures on the following subjects:—

I. The Testamentary Power of Disposition, and the Rules of Construction established by the late Statute of Wills.—The extent of the Testamentary Power previous to the passing of the 1 Vict. c. 26; Effect of the Statute; Enlargement of the Testamentary Dominion, sects. 1, 3, 24; Execution and Attestation, sect. 9; Revocation, sects. 18, 23; Revocation by Inconsistency of Disposition; Positive Rules of Construction established by the Statute, sects. 24, 33.

II. Conveyances by Tenants in Tail and Married Women.—Operation of Fines and Recoveries under the

old Law, as ordinary modes of Assurance, 3 & 4 Will. 4, c. 74; Abolitions effected by the Act, sects. 2, 14, 17; Alienation by Tenant in Tail of Freeholds, sects. 16, 18, 21, 39; Office of Protector to the Settlement, sects. 22, 37; Alienation by Tenant in Tail of Copyholds, sects. 50, 54; Disentailing of Entailed Money, sects. 70, 72; Alienation by Married Women, sects. 77, 91.

III. The Law of Dower and Jointure.—Difference between Dower at the Common Law, and Jointure under the Statute of Uses; Legal and Equitable Jointures; Bar of Dower under the old Law; Effect of the 3 & 4 Will. 4, c. 106; When a Widow will be put to her Election.

The Lectures to be delivered to the Private Classes will comprise the following subjects:—With the Senior Class the Reader proposes to discuss the Law of Judgments, Voluntary Conveyances, and Covenants. With the Junior Class, the Power of Alienation possessed by Tenants in Tail and Married Women, the Power of Testamentary Disposition, and the Leading Rules of Interpretation applicable to the Construction of Wills.

The Public Lectures will be delivered at Gray's Inn Hall on Friday in each week, at two p.m.; the first Lecture to be delivered on the 20th April, 1855. The Private Classes will be held in the North Library of Gray's Inn on Monday, Wednesday, and Friday mornings, from a quarter to twelve to a quarter to two o'clock.

#### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law proposes to deliver, in the course of the ensuing Educational Term, Twelve Public Lectures on the following subjects:—

I. On the Departments of International Law which have been especially affected by Roman Jurisprudence.

II. On Obligation and Contract. On Ancient Theories of Contract, and the Principles descended from them to Modern Law.

III. On the Roman Systems of Civil Procedure, and their relation to Modern Pleading.

IV. On the Criminal Jurisprudence of the Romans; its Sources and History.

V. On Property, Possession, and Prescription. The Roman Theories on these subjects, and the durable effects which they have produced on Modern Jurisprudence.

VI. On Conditions and Modes; the views of them adopted by Roman and English Law.

With his Private Classes the Reader proposes to discuss the principal departments of Roman Law, employing the Commentaries of Gaius as his text-book, and commencing with the Law of Persons. On particular days the Classes will read Wheaton's Elements of International Law, and portions of such other treatises on the same subject as may be recommended to them.

The Public Lectures will be delivered in the Middle Temple Hall on Tuesday in each week, at two p.m. The Private Classes will assemble in the Lecture-room in Garden-court on Tuesdays, Thursdays, and Saturdays, at seven o'clock p.m.

The first Public Lecture will be delivered on Tuesday, the 17th April.

#### COMMON LAW.

The Reader on Common Law proposes to deliver, during the Educational Term, commencing on the 15th April, 1855, Twelve Public Lectures on the Law of Torts, or Wrongs Independent of Contract; on Criminal Law; and some of the Rules of Evidence ordinarily applicable in Criminal Proceedings. These subjects will be treated in the following order:—

Lecture I.—Nature of a Tort; wherein it differs from a Contract and from a Crime—Inquiry as to the Classes

of Cases in which a Remedy *ex Delicto* may be applicable.

Lecture II.—Of Torts to the Person and Reputation. Lectures III and IV.—Of Injuries to Property, Real and Personal.

Lecture V.—Of Wrongs which do not directly affect the Person or Property.

Lecture VI.—Introductory View of the Principles of our Criminal Law, and of the Leading Rules of Evidence applied therein.

Lectures VII. and VIII.—On the relative Value of Direct and Circumstantial Evidence; and on the Nature of Legal Presumptions.

Lecture IX.—Inquiry as to the Nature of Crime; the Distinction between a Felony and a Misdemeanour; and the Capacity to commit Crime.

Lectures X.—XII.—The three concluding Lectures of the Course will be devoted to an Examination of some of the ordinary Offences against the Person and against Property, attention being specially directed to the proofs required to insure conviction for the same.

With his Class the Reader on Common Law will trace out the Leading Principles of the Law of Private and of Public Wrongs, illustrating them by constant reference to the most important recent cases, and to the following works:—Smith's *Leading Cases*; Selwyn's *Nisi Prius*; Blackstone's (or Stephen's) *Commentaries*, vols. 3 and 4; Archbold's *Criminal Pleading* (by Welaby); Greaves's edition of Lord Campbell's *Acts*; and *Wills on Circumstantial Evidence*.

The Lectures on Common Law during the ensuing Educational Term will be delivered, and the Private Classes will meet, in the Hall of the Inner Temple, as under:—

The Public Lecture on Monday in each week, at two p.m.; the first Lecture to be delivered on the 16th April.

The Private Class on Tuesday, Thursday, and Saturday mornings, from a quarter to twelve to a quarter to two o'clock.

By Order of the Council,  
(Signed) EDWARD RYAN, Chairman pro tem.  
Council Chamber, Lincoln's Inn, March 28, 1855.

*Note.*—The Educational Term commences on the 15th April, and ends on the 31st July, 1855.

The Lectures and Classes will be suspended after Tuesday, the 8th May, to be resumed on and after Wednesday, the 30th May.

## COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

*To be Commissioners in England.*

John Pearce Prangley, of Heytesbury, Wiltshire.  
Charles Marklew, of Walsall, Staffordshire.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Henry King, of Mayfield, in the county of Sussex, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Sussex.

## GAZETTES.—FRIDAY, March 30.

### BANKRUPTS.

JOHN LAKER the elder, Maidstone, Kent, dealer and chapman, April 14 and May 11 at half-past 11, London: Off. Ass. Cannan; Sols. Hughes & Hooker, 1, St. Swithin's-lane.—Pet. f. March 27.

CHARLES KING WITT, New Sarum, Wiltshire, grocer, April 14 at 11, and May 11 at 12, London: Off. Ass. Cannan; Sols. Parker & Co., 45, Pall-mall.—Pet. f. March 29.

EDWARD HALE, Ware, Hertfordshire, dealer and chapman, April 17 at half-past 1, and May 9 at 12, London: Off. Ass. Graham; Sols. Thompson & Co., Salter's-hall, St. Swithin's-lane.—Pet. f. March 28.

DANIEL CULHANE, Dartford, Kent, dealer and chapman, April 17 and May 9 at half-past 12, London: Off. Ass. Stansfeld; Sols. Gibson & Wates, Dartford; Willis, 90, Queen-street, Cheapside.—Pet. f. March 29.

ISAAC HUGH WHITE HUNT, Reigate, Surrey, builder, April 13 at 11, and May 10 at 1, London: Off. Ass. Johnson; Sols. Lawrance & Co., Old Jewry-chambers.—Pet. f. March 28.

PETER STAINSBY, Salvadore-house, Bishopsgate-street; Pontesford, near Shrewsbury; and Parson's-green, Fulham, dealer and chapman, April 17 at 11, and May 24 at 1, London: Off. Ass. Johnson; Sols. Lawrance & Co., Old Jewry-chambers.—Pet. pres. Feb. 5.

CHARLES WARWICK, Highbury-place, Islington, and Cheapside, dealer and chapman, (late carrying on business with Charles Warwick, jun., and previously with Joseph Martindale Harrison and Charles Warwick, jun.), April 7 at 1, and May 21 at 12, London: Off. Ass. Pennell; Sols. Lawrance & Co., Old Jewry-chambers.—Pet. f. March 27.

EDWARD SPENCER, Coventry, Warwickshire, dealer and chapman, April 16 and May 7 at half-past 10, Birmingham: Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. d. March 23.

ISAAC POCHIN, Leicester, dealer and chapman, April 17 and May 1 at 10, Nottingham: Off. Ass. Harris; Sols. Haxby, Leicester; Motteram & Knight, Birmingham.—Pet. d. March 23.

RICHARD UNDERWOOD, Leicester, dealer and chapman, April 17 and May 1 at 10, Nottingham: Off. Ass. Harris; Sols. Miles & Gregory, Leicester; Hodgson, Birmingham.—Pet. d. March 29.

WILLIAM GEDRYCH, Llandaff, Glamorganshire, dealer and chapman, April 13 and May 11 at 11, Bristol: Off. Ass. Miller; Sols. Peterson & Ashton, Bristol.—Pet. f. March 26.

SAMUEL HARRIS ARMITAGE, Almondbury, Yorkshire, dealer and chapman, April 17 at half-past 11, and May 8 at 11, Leeds: Off. Ass. Hope; Sols. Clough, Huddersfield; Bond & Barwick, Leeds.—Pet. d. March 29.

JOSEPH SAMUEL ARWIDSSON, Kingston-upon-Hull, dealer and chapman, April 11 and May 2 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Shackles & Son, Hull; Ashley & Watts, 7, Old Jewry.—Pet. d. March 24.

JOSEPH BUNNELL THOMPSON, Rotherham, Yorkshire, dealer and chapman, April 14 at 12, and May 5 at 10, Sheffield: Off. Ass. Brewin; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Pet. d. March 28.

JOHN CHARLES STIVENS and JACOB STOWER, Liverpool, dealers and chapmen, (carrying on business under the style or firm of Stevens & Co.), April 16 and May 7 at 11, Liverpool: Off. Ass. Morgan; Sols. Greatley, Liverpool; Berkeley, 32, Lincoln's-inn-fields.—Pet. f. Feb. 23.

### MEETINGS.

Richard Bindell, Liverpool, distiller, April 11 at 11, Liverpool, ch. ass.—F. Chapman, Fenchurch-st., wine merchant, April 12 at 11, London, and. ac.—Wm. Holloway, Millbank-street, Westminster, harness maker, April 13 at 11, London, and. ac.—Thomas A. F. Burton, Montague-cloze, Southwark, wharfinger, April 17 at 12, London, and. ac.—G. Hall, Brighton, upholsterer, April 13 at 2, London, and. ac.—James Hope, Barnley, Lancashire, grocer, April 26 at 12, Manchester, and. ac.; May 3 at 12, div.—Joseph Crowther, Manchester, grocer, April 12 at 12, Manchester, and. ac.—J. Symmons, Bristol, cut-nail manufacturer, April 26 at 11, Bristol, and. ac.—John Williams the younger, Llanillyfai,

Carnarvonshire, draper, April 12 at 11, Liverpool, aud. ac.—*H. Wigg and Burton Smith*, Gresham-street West, commission agents, April 20 at 1, London, div.—*John G. Hodges*, Bull's Head-court, Newgate-street, warehouseman, April 21 at half-past 11, London, div.—*Henry John Todd*, Pancras-lane, warehouseman, April 20 at half-past 1, London, div.—*George Bouley Medley*, Highbury-park North, Islington, and Great Tower-street, underwriter, April 21 at 1, London, div.—*Henry Hadlow*, Jewry-street, Aldgate, apothecary, April 20 at half-past 1, London, div.—*Latimer Allen*, Peterborough, Northamptonshire, builder, April 21 at half-past 1, London, div.—*R. Thomson*, St. John-street-road, Clerkenwell, linen-draper, April 20 at 2, London, div.—*Robert Smith*, New-castle-street, Strand, licensed victualler, April 24 at 12, London, div.—*Daniel Lefavour*, New Oxford-street, merchant, April 24 at half-past 2, London, div.—*Edward Goldsmith*, Nottingham, hatter, April 24 at 10, Nottingham, aud. ac. and div.—*Douglas Bradbury*, Derby, builder, April 24 at 10, Nottingham, div.—*Simson Stangfield*, Little Hulton, Lancashire, cotton spinner, April 27 at 12, Manchester, div.—*David Haselhurst*, Sheffield, and *Henry Basen* the elder, Whittington, Derbyshire, colliers, April 21 at 12, Sheffield, div. sep. est. of *Henry Basen* the elder.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Charles Dearie*, Frederick's-place, Old Jewry, merchant, April 23 at half-past 12, London.—*Harry Wooldridge*, Strand, publisher, April 20 at 12, London.—*Edward Hall*, Greenwich, licensed victualler, April 20 at 1, London.—*Samuel G. Fairbrother*, Bow-street, Covent-garden, printer, April 20 at half-past 1, London.—*William E. Shottlaender*, Poplar-row, New Kent-road, merchant, April 20 at 1, London.—*James Daniel*, Bugbrook, Northamptonshire, coal merchant, April 21 at 12, London.—*Samuel Lampton*, Gibson-street, Oakley-street, Lambeth, baker, April 21 at half-past 12, London.—*Charles Haselden*, Wigmore-street, Cavendish-square, bookseller, April 20 at half-past 11, London.—*Henry J. Todd*, Pancras-lane, London, warehouseman, April 21 at half-past 11, London.—*John Roots*, Luton, near Chatham, and Snodland, Kent, brickmaker, April 21 at half-past 11, London.—*Samuel Plimsoll*, Sheffield, coal merchant, April 21 at 12, Sheffield.—*John Ward*, Penistone, Yorkshire, surgeon, April 20 at 11, Leeds.—*Walker Milligan*, *Wm. Gandy*, and *George Gandy*, Bradford, stuff merchants, April 20 at 11, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Elizabeth Taylor*, Greenwich, licensed victualler.—*Robert Smith*, Newcastle-street, Strand, licensed victualler.—*John Mackness*, Stratford, Essex, baker.—*Mooley Nathan*, Liverpool, watch manufacturer.—*Edward Goldsmith*, Nottingham, hatter.—*Joseph Harriman*, Loughborough, Leicestershire, hosier.

#### ADJUDICATION ANNULLED.

*John Price*, Newport, Monmouthshire, linendraper.

#### SCOTCH SEQUESTRATIONS.

*Alexander Chisholm*, Fort William, sealer.—*J. & J. Thomson*, Paisley, bricklayers.—*James McDonald*, Banff, cabinet maker.—*Peter Stoddart*, Dundee, shoemaker.—*James Sutherland*, Edinburgh, furniture dealer.—*James Eason*, Edinburgh, tavern keeper.—*Aithen & Drummond*, Glasgow, merchants.—*Wm. Raeburn & Co.*, Glasgow, woollendrapers.—*Buche, Ballantyne, & Co.*, Glasgow, flint glass manufacturers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Griffiths* the younger, Wem, Shropshire, wine merchant, April 23 at 12, County Court of Shropshire, at Wem.—*Benjamin Fleet*, Portsea, Hampshire, blacksmith, April 17 at 11, County Court of Hampshire, at Portsmouth.—*John R. Cummings*, Landport, Southampton, grocer, April 17 at 11, County Court of Hampshire, at Portsmouth.—*John Roden*, Hastings, Sussex, licensed victualler, April 16 at 11, County Court of Sussex, at Hastings.—*John Hodgkinson*, Sheffield, Yorkshire, spring maker, April 11 at 12, County Court of Yorkshire, at Sheffield.—*Louis Goutier*, Sheffield, Yorkshire, out of business, April 11 at 12, County Court of Yorkshire, at Sheffield.—*Edmund Swain*, Chesterfield, Der-

byshire, out of business, April 18 at 11, County Court of Derbyshire, at Chesterfield.—*William Bennett*, Chesterfield, Derbyshire, out of business, April 18 at 11, County Court of Derbyshire, at Chesterfield.—*Thomas Eyre*, Bradbourn, Derbyshire, blacksmith, April 11 at 10, County Court of Derbyshire, at Wirksworth.—*Thomas Lester*, Attleborough, near Nuneaton, Warwickshire, ribbon manufacturer, April 24 at 12, County Court of Warwickshire, at Nuneaton.—*Thomas Dewman*, Ryton, near Bulkington, Warwickshire, licensed victualler, April 24 at 12, County Court of Warwickshire, at Nuneaton.—*Wm. Wilson*, Ryton, near Bulkington, Warwickshire, carpenter, April 24 at 12, County Court of Warwickshire, at Nuneaton.—*S. Shepherd*, Cullompton, Devonshire, coal merchant, April 12 at 11, County Court of Devonshire, at Tiverton.—*Joseph Reece*, Chester, butcher, April 25 at 10, County Court of Cheshire, at Chester Castle.—*James White*, Corbridge, Northumberland, saddler, April 18 at half-past 11, County Court of Northumberland, at Hexham.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 13 at 10, before the CHIEF COMMISSIONER.*

*Henry J. Collett*, Navarino-place, Navarino-road, Dalston, Middlesex, commission agent.

*April 13 at 11, before Mr. Commissioner PHILLIPS.*

*James Kelly* the younger, Jermyn-street, St. James's, Middlesex, tailor.

*April 13 at 10, before Mr. Commissioner MURPHY.*

*Sheppard R. Butler*, Harleyford-road, Vauxhall, Surrey, upholsterer.

*April 14 at 10, before Mr. Commissioner MURPHY.*

*Joseph Dunford*, Little Chesterfield-street, Portland-place, Marylebone, Middlesex, grocer.

*April 16 at 10, before the CHIEF COMMISSIONER.*

*George Sheppard*, Drummond-street, Easton-square, Middlesex, out of business.—*William Matthews*, Frederick-place, Hampstead-road, Middlesex, pianoforte maker.—*G. Stanford*, Albany-road, Camberwell, Surrey, baker.—*Cyrille Roy*, St. Katherine's Docks, St. George's-in-the-East, Middlesex, master mariner.

*April 16 at 11, before Mr. Commissioner PHILLIPS.*

*Henry H. Popham*, Exmouth-street, Clerkenwell, Middlesex, apothecary.—*John S. Burke*, Rye-hill, Peckham, Surrey, railway contractor.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Nottinghamshire, at NOTTINGHAM, April 10 at 10.*

*Richard Butler*, Nottingham, out of business.

*At the County Court of Lancashire, at LANCASTER, April 13 at 11.*

*William Sutcliffe*, Levenshulme, near Manchester, out of business.—*Robert Chadwick*, Gorton Brook, near Manchester, out of business.—*Edward Brindley*, Ancoats, Manchester, out of business.—*Wm. Duckworth*, Huntly Brook, Bury, out of business.—*Richard Leach*, Wardle, near Rochdale, out of business.—*Joseph Barlow*, Manchester, coach painter.—*James Barker*, Oldham, cotton-waste dealer by commission.—*Jermiah Thompson*, Manchester, out of business.—*Thomas S. Barton*, Cheetham, Manchester, out of business.—*J. Taylor*, Heywood, out of business.—*Henry Goodwin*, Manchester, out of business.—*Joseph Hollingworth*, Hulme, Manchester, out of business.—*Lionel Swift*, Sutton, near St. Helen, farmer.—*Edward Bladon*, Manchester, stuff merchant.—*Elizabeth Hough*, widow, Hulme, Manchester, out of business.—*John Carr*, Salford, assistant to a butcher.—*Annie McDonald*, widow, Liverpool, out of business.—*Benjamin Miel*, Manchester, carver.—*Wm. Carr*, Manchester, out of business.—*William Scholes*, Waterloo, near Ashton-under-Lyne, out of business.—*John Little*, Liverpool, bookkeeper.—*R. Kenyon*, Manchester, small-ware dealer.—*Robert May*, Calstock Town, Cornwall, carter.—*Charles Brown*, mate of the ship *Edward Oliver*.—*Jacob Bayley*, Manchester, joiner.—*John Young*, husband, Salford, licensed victualler.—*Wm. Nimmo*, Liverpool, baker.—*John Lammond*, Liverpool, sugar baker.—*James*

**Harrison**, Bolton-le-Moors, beerseller.—*Jos. Ward*, Blackburn, out of business.—*John Duckworth*, Witton Stocks, near Blackburn, twister in a cotton factory.—*Thomas Dewhurst*, Low Moor, Clitheroe, out of employment.—*Thomas Bibby*, Whalley Banks, Blackburn, grocer.—*J. Tomlinson*, Bleakley Moor, near Blackburn, chimney sweeper.—*George Wilson*, Liverpool, butcher.—*John Walsh*, Bolton-le-Moors, stonemason.—*Robert Shepherd*, Castleton, near Rochdale, labourer.—*Wright Sutcliffe*, Bolton-le-Moors, tent dealer.—*John Stringer*, Manchester, baker.—*Sarah Tonge*, Kersley, near Bolton-le-Moors, innkeeper.—*Wm. Dickinson*, Low Moor, Clitheroe, confectioner.—*T. Hodson*, Preston, contractor.

*At the County Court of Hampshire, at SOUTHAMPTON, April 14 at 10.*

*Antonio S. Silva*, Southampton, hotel keeper.

*At the County Court of Gloucestershire, at BRISTOL, April 26 at half-past 10.*

*Robert Holley*, Bristol, victualler.

## TUESDAY, April 3.

### BANKRUPTS.

**MICHAEL JONES**, Oxford-street, dealer and chapman, April 14 at half-past 12, and May 18 at 1, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, 17, Sise-lane.—Pet. f. March 30.

**THOMAS HARVEY**, late of Penryn, Cornwall, and now of Great St. Helens, London, dealer and chapman, April 17 and May 9 at 2, London: Off. Ass. Graham; Sols. Lawrence & Co., Old Jewry-chambers.—Pet. f. March 31.

**MATTHEW HENRY FRANCIS**, George-yard, Lombard-street, dealer and chapman, April 17 and May 9 at 2, London: Off. Ass. Graham; Sols. J. & J. H. Linklater, 17, Sise-lane.—Pet. f. April 3.

**WILLIAM ASPIN** the younger, Morgan's-lane, Tooley-st., Southwark, dealer and chapman, April 17 at half-past 2, and May 15 at 12, London: Off. Ass. Edwards; Sols. Bothamley & Freeman, 39, Coleman-st.—Pet. f. April 2.

**SPENCER PERCEVAL PLUMER**, New City-chambers, merchant, April 17 and May 17 at 12, London: Off. Ass. Bell; Sols. Reed & Co., Friday-street.—Pet. f. March 8.

**WILLIAM MILLER**, Whitechapel-road, dealer and chapman, April 17 at half-past 12, and May 17 at 1, London: Off. Ass. Johnson; Sol. Roscoe, 14, King-street, Finsbury.—Pet. f. April 2.

**JOHN BAKER**, Eastchurch, Isle of Sheppey, grocer, April 20 at 11, and May 15 at 12, London: Off. Ass. Bell; Sol. Beckett, John-street, Bedford-row.—Pet. f. April 3.

**WILLIAM KEMP**, Guildford, dealer and chapman, April 17 at 1, and May 15 at 11, London: Off. Ass. Bell; Sols. Sole & Co., Aldermanbury.—Pet. f. March 24.

**AMBROSE EATON**, Milk-street, Cheapside, warehouseman, April 13 at half-past 11, and May 19 at 1, London: Off. Ass. Pennell; Sol. Reed, 11, Ironmonger-lane.—Pet. d. March 29.

**SAMUEL RANDALL**, Wellingborough, Northamptonshire, dealer and chapman, April 13 at half-past 2, and May 19 at half-past 12, London: Off. Ass. Nicholson; Sols. Cook, Wellingborough; Roscoe, 14, King-st., Finsbury-square.—Pet. d. March 27.

**CHARLES JOSEPH PARLOUR**, Strand, lithographer, formerly of Chancery-lane and Fleet-street, law stationer, (trading under the style or firm of Twycross & Co.), April 13 at half-past 12, and May 21 at half-past 1, London: Off. Ass. Nicholson; Sols. J. & J. H. Linklater, 17, Sise-lane.—Pet. d. April 3.

**EDWARD LOGSDON**, Hatfield, Hertfordshire, dealer and chapman, April 14 at half-past 1, and May 21 at 1, London: Off. Ass. Nicholson; Sols. Young & Flews, 29, Mark-lane.—Pet. d. March 24.

**THOMAS RICHARDSON**, Birmingham, dealer and chapman, April 14 and May 11 at 11, London: Off. Ass. Christie; Sol. East, Birmingham.—Pet. d. March 28.

**JOHN BROOKES**, Birmingham, dealer and chapman, April 21 and May 11 at 11, Birmingham: Off. Ass. Bittleson; Sol. East, Birmingham.—Pet. d. March 31.

**EZEKIEL MEADE**, Bristol, tavern keeper, April 16 and May 14 at 11, Bristol: Off. Ass. Hutton; Sols. Crosby, Bristol; Jay, Sergeant's-inn.—Pet. f. March 26.

**URIAH HINCHLIFFE**, Halifax, Yorkshire, dealer and chapman, April 16 at 12, and May 7 at 1, Leeds: Off. Ass. Hope; Sols. Robson, Halifax; Cariss & Cudworth, Leeds.—Pet. d. March 26.

**BENJAMIN MISELL**, Manchester, dealer and chapman, April 13 and May 4 at 12, Manchester: Off. Ass. Herniman; Sols. Atherton, Manchester; Stopher, 52, Cheap-side.—Pet. f. March 19.

### MEETINGS.

*Edward Dawes*, Wolverhampton, licensed victualler, April 13 at 1, Wolverhampton, pr. d.—*B. Lloyd Owen*, Tottenhall-road, near Wolverhampton, mineral merchant, April 13 and 14 at 11, Wolverhampton, pr. d.—*Adam Hunter*, Woodstock, draper, April 14 at 12, London, last ex.—*James Harding*, Edgeware-road, china dealer, April 14 at half-past 11, London, last ex.—*Thomas Wright Lawford*, Tirydail, Llandeibic, Carmarthenshire, market gardener, April 17 at 11, Bristol, last ex.—*R. Broxop*, *John Broxop*, *James Broxop*, and *Wm. Broxop*, Burnley, Lancashire, cotton manufacturers, April 27 at 12, Manchester, last ex.—*C. Warwick*, Manchester, commission agent, April 28 at 11, Manchester, last ex.—*James Burnbliss*, Manchester, commission agent, April 26 at 12, Manchester, last ex.—*Luke Jagger*, Huddersfield, woollen manufacturer, May 21 at 11, Leeds, last ex.—*Henry J. Achles*, High Holborn, shoe manufacturer, April 13 at 11, London, aud. ac.—*F. Noake Baker*, Southampton, timber merchant, April 13 at 12, London, aud. ac.—*G. Dunn*, Rushey-green, Lewisham, grocer, April 14 at 11, London, aud. ac.—*C. H. Harben*, Coulston-street, "High-st.", Whitechapel, and Carlton-hill-villas, Camden-road, Holloway, cheesemonger, April 14 at 11, London, aud. ac.—*Wm. Nehemiah Parson*, Gravel-lane, Southwark, millwright, April 19 at 12, London, aud. ac.—*T. Selby* and *Silas Norton*, Town Malling, Kent, scriveners, April 19 at 1, London, aud. ac.—*Edward Hall*, Greenwich, licensed victualler, April 20 at 1, London, aud. ac.—*Juan Oliver*, Daventry, Northamptonshire, ironmonger, April 19 at 11, London, aud. ac.—*Victor Bauer*, Lilypot-lane, St. Martin's-le-Grand, merchant, April 19 at 12, London, aud. ac.—*James Burgess*, Over Tabley, Cheshire, contractor, April 28 at 12, Manchester, aud. ac.—*Henry Hunt*, Heaton Norris, Lancashire, paper manufacturer, May 3 at 12, Manchester, aud. ac.; May 10 at 12, div.—*Geo. Longmore* and *James Longmore*, Manchester, provision merchants, April 27 at 12, Manchester, aud. ac.; May 3 at 12, div.—*Wm. Waihtman*, Manchester, flax merchant, May 3 at 12, Manchester, aud. ac.; May 4 at 12, div.—*Frederick Kershaw*, Sheffield, builder, April 14 at 12, Sheffield, aud. ac.—*Titus Gaukroger*, *James Gaukroger*, and *Wm. Slater*, New Bridge and Lord Holme Mills, and Hebble End Mill, near Hebdon-bridge, Halifax, cotton spinners, May 7 at half-past 11, Leeds, aud. ac.; at 12, div.—*W. H. Wilson* and *R. Vause*, Kingston-upon-Hull, merchants, May 2 at 12, Kingston-upon-Hull, aud. ac.—*J. Jackson*, Kingston-upon-Hull, commission agent, April 18 at 12, Kingston-upon-Hull, aud. ac.—*Bryan Hesleden*, Barton-upon-Humber, Lincolnshire, scrivener, May 2 at 12, Kingston-upon-Hull, aud. ac. and div.—*Robert Balls*, Sheen-vale, Mortlake, builder, April 24 at 12, London, div.—*R. Norman*, Histon, Cambridgeshire, grocer, April 24 at half-past 12, London, div.—*H. Buckell*, Portsea, draper, April 24 at 12, London, div.—*Richard Wastell*, Noble-street, London, warehouseman, April 24 at half-past 1, London, div.—*Isaac Cooper*, Luddington, Northamptonshire, corn dealer, April 26 at 2, London, div.—*Charles May*, Norwich, *Wm. Leopold Metcalfe*, Great Yarmouth, and *Chas. J. Metcalfe*, Roxton, Bedfordshire, soap manufacturers, April 27 at 1, London, fin. div. joint est., and fin. div. sep. ests. of *Wm. Leopold Metcalfe* and *Chas. J. Metcalfe*.—*A. Silvestre*, Argyll-st., Regent-st., dealer in fancy goods, April 26 at 2, London, div.— *Jas. A. Bell*, Great Baddow, Essex, hop merchant, April 26 at 11, London, div.—*Wm. Hall*, Fording-bridge, Southampton, butcher, April 26 at 1, London, div.—*William Robinson*, Grand Junction-terrace, Edgeware-road, upholsterer, April 26 at 1, London, div.—*Mary Parkes*, Golden-square, printer, April 27 at 12, London, div.—*Joseph Crowther*, Manchester and Eccles, grocer, April 28 at 12, Manchester, div.—*Lambert Tatley*, Ince, near Wigan, cotton spinner, April 27 at 12, Manchester, div.—*W. Wilson*, Newcastle-upon-Tyne, scrivener, April 27 at 11, Newcastle-upon-Tyne, div.—*R. Hutchinson*, Monkwearmouth Shore, Durham, ship builder, April 27 at 12, Newcastle-upon-Tyne, fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Dennett*, Hatcham, Surrey, builder, April 27 at half-past 11, London.—*J. Tillet*, Colchester, plumber, April 25 at half-past 2, London.—*Thomas Lawrance*, Reading, draper, April 25 at 2, London.—*Frederick Carson*, St. Helens-place, Bishopsgate-street, merchant, April 25 at half-past 11, London.—*Frederick White*, Ewell, Surrey, and Chelsea, common brewer, April 26 at half-past 11, London.—*Samuel Manning*, Cornwall-road, Hammersmith, builder, April 25 at 1, London.—*John Buchanan*, Moorgate-street, upholsterer, April 26 at 12, London.—*Matthew John Goff*, Queen's-crescent, Prince of Wales-road, Kentish-town, bookseller and stationer, April 27 at 1, London.—*William Hall*, Fordingbridge, Southampton, butcher, April 26 at 1, London.—*Henry M. Addey*, Old Bond-street, bookseller, April 26 at 2, London.—*Wm. W. C. Kirkham*, Manchester, money scrivener, May 1 at 12, Manchester.—*Ralph Darlington*, Wigan, Lancashire, money scrivener, May 2 at 12, Manchester.—*William Prest*, York, painter, May 1 at 11, Leeds.—*Thomas Addy*, Leeds, cloth manufacturer, May 1 at half-past 11, Leeds.—*Ralph Martindale*, Low Harrogate, Yorkshire, draper, May 1 at half-past 12, Leeds.—*Joseph North*, Northowram, near Halifax, grocer, May 7 at 11, Leeds.

*To be granted, unless an appeal be duly entered.*

*Henry Simons*, Woolwich, Kent, linendraper.—*Thomas Sturges*, Stockwell, Surrey, licensed victualler.—*William Pearce*, Clerkenwell-green, gas fitter.—*Jas. Warwick Woolbridge*, Martin's-lane, Cannon-street, shipowner.—*Charles Goode*, Great Yarmouth, baker.—*Wm. Waithman*, Yealand Conyers and Manchester, and Higher Bentham and Lower Bentham, Yorkshire, and Holme Mills, Milnthorpe, and Gate Beck, Westmoreland, flax merchant.—*John Taylor* and *James Burton*, Stockport, Cheshire, power-loom cloth manufacturers.—*Henry B. Harris*, Shrewsbury, draper.—*Joseph Bradford*, Coventry, licensed victualler.—*Bryan Heleden*, Barton-upon-Humber, Lincolnshire, scrivener.—*Jonathan Wright*, *Wm. Wright*, and *L. Wright*, Oxenhope, near Keighley, Yorkshire, worsted spinners.

## ADJUDICATION ANNULLED.

*Wm. England* and *Frederick Henry England*, Westbury, Wiltshire, woollen cloth manufacturers.

## SCOTCH SEQUESTRATIONS.

*Wm. Moesman*, Alexandria, near Dumbarton, wright.—*A. King*, Paisley, dyer.—*George Chapman*, Crieff, grocer.—*James Durward*, Stonehaven, grocer.—*Bell & Brothers*, Glasgow, nail manufacturers.—*Andrew Dykes*, Glasgow, victualler.—*David Greenshields*, Glasgow, music seller.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Betty*, Bilton, Gloucestershire, baker, May 3 at half-past 10, County Court of Gloucestershire, at Bristol.—*Daniel Levy*, Bristol, tailor, May 10 at half-past 10, County Court of Gloucestershire, at Bristol.—*Simeon Pearce*, Bristol, dealer in poultry, May 3 at half-past 10, County Court of Gloucestershire, at Bristol.—*Thos. B. Elliott*, Bristol, licensed victualler, May 3 at half-past 10, County Court of Gloucestershire, at Bristol.—*Geo. Lowe*, Heanor, Derbyshire, beer-house keeper, April 19 at 10, County Court of Derbyshire, at Belper.—*A. Le Grand*, Brighton, Sussex, professor of languages, April 7 at 11, County Court of Sussex, at Brighton.—*Lewis Thomas*, Rhyd-y-Minch, Penmachno, Carnarvonshire, slate weigher, April 16 at 10, County Court of Carnarvonshire, at Carnarvon.—*James B. Escott*, Chudleigh, Devonshire, accountant, April 28 at 10, County Court of Devonshire, at Newton Abbot.—*Joseph Kern*, Southampton, clockmaker, April 14 at 10, County Court of Hampshire, at Southampton.—*W. Turnbull*, Sunderland, Durham, master mariner, April 17 at 10, County Court of Durham, at Sunderland.—*John Spark Aird*, Chilton Moor, Durham, cattle dealer, April 23 at 10, County Court of Durham, at Durham.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 24 at 11, before the CHIEF COMMISSIONER.*

*Joseph Senior*, Coleman-street, London, locksmith.—*H. Hutchings*, Plaistow, Essex, grazier.—*William Francis Cannell*, Westbourne-street, Eaton-square, Pimlico, Middlesex, butcher.—*Henry Harris*, Wigmore-street, Cavendish-square, Middlesex, tailor.—*Walter Taylor*, Caroline-place, Chelsea, Middlesex, tailor.

*April 25 at 10, before Mr. Commissioner MURPHY.*

*Robert Woolley*, North-mews, North-street, John-street, Tottenham-court-road, Middlesex, coach-spring maker.—*W. S. Pearce*, Prince's-road, Lambeth, Surrey, out of business.—*Francis R. Leaver*, Theberton-street, Islington, Middlesex, law stationer.—*Robert Thomas Bartlett*, St. James's-road, Holloway, Middlesex, commercial traveller.—*T. Morrison*, Church-street, Edmonton, Middlesex, omnibus driver.—*T. R. Forge*, Broadway, Barking, Essex, fishing smack owner.—*Richard Miller*, Barnes-place, Mile-end-road, Middlesex, traveller to a biscuit baker.—*Edmund Wm. Cobb*, Ask-street, Hoxton New-town, Middlesex, coach wheelwright.—*Henry William Weston*, Bedford-terrace, Union-road, Newington, Surrey, accountant.—*T. Rudge*, Farmer's-row, Salmon's-lane, Limehouse, Middlesex, shoemaker.—*W. S. Eastwood*, Church-street, Chelsea, Middlesex, butcher.—*Anthony D. Harmer*, West Ham, Essex, out of business.—*John Tanguel*, Norway-place, Hackney-road, Middlesex, baker.—*Wm. Henry Aird*, De Beauvoir-town, West Hackney, Middlesex, private tutor.—*William Carter* the elder, Shenley-hill, near Barnet, Hertfordshire, bricklayer.

*Saturday, March 31.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Joshua Batty*, Holywell-street, Shoreditch, Middlesex, currier, No. 65,000 T.; *John Hollis Vane*, assignee.—*E. Jones*, Manchester, tobaccoconist, No. 79,194 C.; *James Cotsworth*, assignee.—*Robert Harrison*, Huyton-hill-park, near Burnley, Lancashire, out of business, No. 79,547 C.; *T. Temple*, assignee.

*Saturday, March 31.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Joseph Burn*, High-street, Hoxton Old-town, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—*Edward Mudd*, Tullierie-street, Hackney-road, Middlesex, cabinet maker: in the Debtors Prison for London and Middlesex.—*Wm. Grocer*, High-street, Old Brentford, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Samuel P. B. Mortimer*, Frederick-place, Hampstead-road, Middlesex, schoolmaster: in the Debtors Prison for London and Middlesex.—*Thos. Hobson Heigham*, Abdy-street, St. John's, Horselydown, Surrey, builder: in the Queen's Prison.—*George Leslie*, Poland-street, Oxford-street, Middlesex, builder: in the Queen's Prison.—*William Bailey Snowden*, Goldsmith's-place, Kilburn, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*S. H. Barrow*, Dover, Kent, attorney: in the Queen's Prison.—*George Willress Pipe*, Pitt-street, Old Kent-road, Surrey, job master: in the Queen's Prison.—*Paul Charles Garbanati*, High-street, Bloomsbury, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*William Gellert*, Goulston-street, Whitechapel, Middlesex, retailer of beer: in the Debtors Prison for London and Middlesex.—*Henry Rafterman*, Leadenhall-street, London, tailor: in the Debtors Prison for London and Middlesex.—*Wm. Blackledge*, Blackburn, Lancashire, beer-shop keeper: in the Debtors Prison for London and Middlesex.—*John Smepton*, New Hexton, Middlesex, beer-house keeper: in the Debtors Prison for London and Middlesex.—*Roger Kenyon*, Manchester, small-ware dealer: in the Gaol of Lancaster.—*John Youngusband*, Salford, Lancashire, licensed victualler: in the Gaol of Lancaster.

—*James Barber*, Oldham, Lancashire, cotton-waste dealer: in the Gaol of Lancaster.—*Thomas S. Barlow*, Cheetham, Lancashire, out of business: in the Gaol of Lancaster.—*J. Barlow*, Manchester, coach painter: in the Gaol of Lancaster.—*Wm. Scholes*, Waterloo, near Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*Henry Goodwin*, Manchester, out of business: in the Gaol of Lancaster.—*John Taylor*, Heywood, Lancashire, out of business: in the Gaol of Lancaster.—*John Carr*, Salford, Lancashire, assistant to a butcher: in the Gaol of Lancaster.—*W. Carr*, Strangeways, Manchester, pianoforte maker: in the Gaol of Lancaster.—*James Chadwick*, Blackburn, Lancashire, tailor: in the Gaol of Lancaster.—*J. Stringer*, Manchester, baker: in the Gaol of Lancaster.—*Wright Sutcliffe*, Bolton-le-Moors, Lancashire, counterpane dealer: in the Gaol of Lancaster.—*Sarah Tunge*, Kersley, near Bolton-le-Moors, Lancashire, innkeeper: in the Gaol of Lancaster.—*Jonas Ayre*, Marsden, near Burnley, Lancashire, out of business: in the Gaol of Lancaster.—*J. Ward*, Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*John Lammond*, Liverpool, sugar baker: in the Gaol of Lancaster.—*James Harrison*, Bolton-le-Moors, Lancashire, beerseller: in the Gaol of Lancaster.—*Samuel Dale*, Hanley, Stoke-upon-Trent, Staffordshire, in no business: in the Gaol of Stafford.—*Thos. Chapman*, Brighton, Sussex, shoeing smith: in the Gaol of Lewes.—*John P. Sewell*, Rotherfield, Sussex, clerk in the Customs: in the Gaol of Lewes.—*Benjamin Lloyd*, Low Peter-gate, Yorkshire, out of business: in the Gaol of York.—*George Wilson*, Liverpool, butcher: in the Gaol of Lancaster.—*Robt. Shepherd*, Castleton, Lancashire, labourer: in the Gaol of Lancaster.—*Thos. Hodson*, Preston, Lancashire, contractor: in the Gaol of Lancaster.—*Thomas Dewhurst*, Low Moor, Clitheroe, Lancashire, out of employment: in the Gaol of Lancaster.—*J. Duckworth*, Wilton Stocks, near Blackburn, Lancashire, twister in a cotton factory: in the Gaol of Lancaster.—*James Tomlinson*, Bleakley Moor, near Blackburn, Lancashire, chimney-sweeper: in the Gaol of Lancaster.—*J. Walsh*, Bolton-le-Moors, Lancashire, stonemason: in the Gaol of Lancaster.—*Wm. Nisimo*, Liverpool, baker: in the Gaol of Lancaster.—*Wm. Dickinson*, Low Moor, Clitheroe, Lancashire, confectioner: in the Gaol of Lancaster.—*Thos. Bibby*, Blackburn, Lancashire, grocer: in the Gaol of Lancaster.—*Joseph Best* the younger, Kidderminster, Worcestershire, in no business: in the Gaol of Worcester.—*Wm. Crosby* the younger, Gosberton, Rise-gate, Lincolnshire, dealer in poultry: in the Gaol of Lincoln.—*Jacob Bayley*, Manchester, joiner: in the Gaol of Lancaster.—*Wm. Basendale*, Preston, Lancashire, cotton spinner: in the Gaol of Lancaster.—*C. Brown*, Liverpool, mate: in the Gaol of Lancaster.—*John Little*, Liverpool, bookkeeper: in the Gaol of Lancaster.—*William Bigby*, Radcliffe, near Bury, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. Halliwell*, Farnworth, Lancashire, out of employment: in the Gaol of Lancaster.—*Joshua Gouldsbrough*, Blackburn, Lancashire, tailor: in the Gaol of Lancaster.—*Alexander Fish*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Bateson*, Burton, Lonsdale, Lancashire, out of business: in the Gaol of Lancaster.—*George Drake*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Thos. Swain*, Wednesbury, Staffordshire, pig dealer: in the Gaol of Stafford.—*George Davies*, Longside-lane, near Bradford, Yorkshire, machine maker: in the Gaol of York.—*John Kaye*, Bradford, Yorkshire, out of business: in the Gaol of York.—*Seith Wilkinson*, Batley, Yorkshire, out of business: in the Gaol of York.—*J. Morrison*, Clifton, Dewsbury, Yorkshire, limeburner: in the Gaol of York.—*J. Whiteley*, Halifax, Yorkshire, machine maker: in the Gaol of York.—*John Gartside Mills*, Fairplay, Seddeworth, Yorkshire, woollen-cloth merchant: in the Gaol of York.—*John Lenders*, Sheffield, Yorkshire, publican: in the Gaol of York.—*Wm. Jackson*, Harthead, near Leeds, Yorkshire, out of business: in the Gaol of York.—*Fred. Apprey*, York, out of business: in the Gaol of York.—*Wm. Harber*, Thorton, near Bradford, Yorkshire, stone merchant: in the Gaol of York.—*John Briggs*, Milnsbridge, Yorkshire, out of business: in the Gaol of York.—*Thomas R. Walker*, Scarborough, Yorkshire, fishmonger: in the Gaol of York.—*Thos. Turner*, Wakefield, Yorkshire, butcher: in the Gaol of York.—*Jeremiah Jones*, Mardol, Shrewsbury, Shropshire, out of business: in the Gaol of Shrewsbury.—*Daniel Thornley*, Stalybridge, Cheshire, out of business: in the Gaol of Chester.—*Thos. Bird*, Chester, out of business: in the Gaol of

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*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 17 at 10, before the CHIEF COMMISSIONER.*

*Alexander Viner*, St. Ann's-place, Commercial-road, Limehouse, Middlesex, coffee-house keeper.—*G. Banger*, Susannah-row, Curtain-road, Shoreditch, Middlesex, manager to a general-shop keeper.

*April 17 at 10, before Mr. Commissioner MURPHY.*

*Thos. Homewood*, North-hill, Highgate, Middlesex, baker.—*R. Hawksley*, Princes-street, Marylebone, Middlesex, out of business.—*David W. King*, Middlesex-place, Hackney-road, Middlesex, tailor.—*Thomas Hunt*, St. Andrew's-road, Horse-monger-lane, Surrey, out of business.—*Robert D. Brown*, Deverell-street, Dover-road, Newington, Surrey, clerk in the Storekeeper-General's Department of the Navy, Admiralty, Somerset House.—*Wm. Bridges*, Phoenix-st., Somers-town, cowkeeper.—*John Plews*, Fairfield-cottages, Fairfield-road, Bow, Middlesex, timber merchant.—*Joseph Philpott*, Croydon, Surrey, agent on commission to a shoemaker.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Sussex, at LEWES, April 17.*

*Leonard Burton*, Brighton, out of business.—*Thos. Chapman*, Brighton, shoeing smith.—*John Pownall Sewell*, Malk Cross, Rotherfield, clerk in the Custom-house, London.

*At the County Court of Berkshire, at READING, April 17.*

*Robert Clarke*, Reading, carrier.

*At the County Court of Staffordshire, at STAFFORD, April 18 at 11.*

*Samuel Griffiths*, Wolverhampton, commission agent.—*T. Swain*, Wednesbury, pig dealer.—*Richard Avery*, Ettingshall New Village, near Bilston, bricklayer.—*S. Dale*, Hanley, Stoke-upon-Trent, in no business.—*Wm. Coomer* the elder, Newcastle-under-Lyme, blacksmith.

*At the County Court of Montgomeryshire, at WELCHPOOL, April 19 at 12.*

*Hugh Jones Evans*, Penygloffdu, Llanllwchaiarn, grocer.

*At the County Court of Suffolk, at IPSWICH, April 20 at 9.*

*Wm. Roy*, Ipswich, fishmonger.

*At the County Court of Glamorganshire, at CARDIFF, April 20.*

*David Davies* the younger, Neath, railway contractor.—*D. Jones*, Gwain yr Eirw, near Pontypridd, grocer.—*J. Edwards*, Merthyr Tydvil, cabinet maker.

*At the County Court of Derbyshire, at DERBY, April 21, at 12.*

*Anna M. Woodroffe*, widow, Derby, out of business.—*W. Walters*, Clay Cross, North Wingfield, beer-house keeper.—*Wm. Richardson*, Chesterfield, bookkeeper.

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## THE JURIST.

LONDON, APRIL 14, 1855.

OUR attention has been called, by the recent case of *Tanner v. Christian*, (24 L. J., Q. B., 91), to a class of decisions of considerable practical importance, and somewhat difficult to reconcile. The decisions alluded to are those respecting the personal liability of agents on contracts entered into by them. The principle which is at the root of these cases, viz. “that an agent is not liable on any agreement into which he enters merely in his representative capacity, but that wherever he contracts personally, or pledges his own credit, either by concealing his principal or otherwise, he becomes personally liable on such contract,” is simple and well established. (*Thomas v. Edwards*, 2 M. & W. 217; *Franklyn v. Lamond*, 4 C. B. 637; *Thompson v. Davenport*, 9 B. & Cr. 78; *Paterson v. Gandesequi*, 15 East, 62). And where an agent contracts in writing in his own name, without naming his principal therein, he cannot relieve himself from his liability, even by shewing that at the time of making the contract the other party knew that he was acting only as an agent in the transaction. (*Higgins v. Senior*, 8 M. & W. 334; *Jones v. Littleddale*, 6 Ad. & El. 496). The difficulty has been, in the application of the above principle to the construction of written contracts in which both the agent and the principal are named, in ascertaining what language in such a contract, or what circumstances attending the making thereof, are sufficient to render the agent personally liable on the contract. In the language of Lord Denman in *Harper v. Williams*, (4 Q. B. 230), “the judgment in such cases has been arrived at only by an

examination of the particular circumstances in each; one decision will scarcely serve as an authority for any other, except in so far as the Court may ascertain from it the weight to be allowed to any particular fact, or form of expression, that may be found in any one of these cases and the one under decision. The object is fairly to ascertain in each case what was the real intention and understanding of the parties.” And for this purpose the Court will look, in the first place, to the language of the agreement, or of the whole correspondence from which the contract is to be gathered, and also the circumstances under which the contract was made\*, but not to any subsequent declarations or admissions of the parties, whether verbal or written. (*Lewis v. Nicholson*, 16 Jur., part 1, p. 1041; 21 L. J., Q. B., 315). One principal test of the liability on such contracts is, whether the act contracted to be performed is to be done by the agent himself or by his principal; and it is clear, that where the contract is by the terms of it to be performed by the agent himself, though for and on behalf of another, the agent is personally liable. This was the ground of the decision in *Tanner v. Christian*. There, by a written memorandum, purporting to be made between the defendant for and on the part of N. of the first part, and the plaintiff of the second part, the defendant, on the part of N., agreed to let, and the plaintiff agreed to take, certain premises, paying the rent to the defendant, for the use of N.; and it was also agreed that no auction should be had on the premises without the license of the de-

\* See, upon this point, *Butcher v. Stuart*, (10 Ad. & El. 309); *Haigh v. Brooks*, (11 M. & W. 857); *Goldshede v. Swan*, (1 Exch. 154); and *Colbourn v. Dawson*, (10 C. B. 765).

fendant on the part of N., and that the plaintiff should take a lease, and execute a counterpart thereof, when called upon to do so by the defendant on the part of N. The memorandum was signed by the defendant in his own name, without any reference to N. The Court held—whether rightly or not may perhaps be open to question—that, by the terms of the memorandum, all the acts to be done on the part of N., and amongst others the granting of the lease, were to be performed by the defendant *himself*; and on that ground they held the defendant personally liable on the contract. Lord Campbell, C. J., said, “The defendant is to receive the rent, and he would be the party to whom the counterpart of the lease would be executed; he is the *acting* party, and signs the agreement, not for and on behalf of N., but in his own name. The fair inference is, that the defendant had the legal estate, and was acting as trustee for N., and by his direction.” And he distinguished the case from *Lewis v. Nicholson*, (16 Jur., part 1, p. 1041; 21 L. J., Q. B., 311), on the ground that “in that case the defendants were acting merely as solicitors, and were not themselves to do the act contracted for, and therefore the Court decided there was no liability incurred by them.” And per Wightman, J.—“The question is, whether the defendant has so contracted as to render himself personally liable. This must be determined by seeing who is to *perform* the agreement. Now, from the terms of the agreement, there is no doubt that it is to be performed by the defendant himself.” Crompton, J., also relied on the fact that the memorandum was signed by the defendant in his own name, without any reference to N., and distinguished the case on that ground from *Spittle v. Lavender*, (5 Moore, 270), where the contract was signed by the defendant in his own name as agent of B.

The following cases will afford some clue to the language which the Courts have considered to import an intention that the agent should himself perform the act contracted for.

In *Norton v. Herron* (1 R. & M. 220; S. C., 1 Car. & P. 648) the defendant, by an agreement purporting to be made by him on behalf of A., stipulated that *he, the defendant, would execute* to the plaintiff a lease of certain premises, and signed the agreement in his own name. Best, C. J., held that the defendant was personally liable. And where the defendants, directors of a joint-stock newspaper company, gave a promissory note as follows—“On demand, *we* jointly and *severally* promise to pay to L. H. 250*l.* for and on behalf of the Wesleyan Newspaper Association,” and this note was signed by them as “directors,” it was held that the words “*we severally* promise to pay” must apply to the persons who signed the note, and not to the company, and were equivalent to a promise by each of them personally to pay, and that the defendants were therefore personally liable on the note. *Healey v. Storey*, (3 Exch. 3); *Iveson v. Conington*, (1 B. & Cr. 160), in which the language was, that the defendant “*personally*” undertook and agreed &c.; *Ex parte Bentley*, (2 Deac. & C. 578), where the words were, “On behalf of F. P., I give you notice that I am ready and hereby offer to allow and pay” &c.; and *Harper v. Williams*, (4 Q. B. 219), are to the same effect.

In *Kennedy v. Gouveia*, (3 D. & Ry. 503), where, by a memorandum between the plaintiff of the first part, and the defendant on behalf of M. of the second part, it was witnessed that it was agreed between the *said parties*, &c., and the defendant signed the agreement in his own name simply, the Court held the defendant liable; for although the memorandum purported in its commencement to be made on behalf of M., yet in the body of it the defendant proceeded to agree for himself personally, and signed it in his own name, and not as agent. Abbott, C. J., observed, “The language of the instrument is, ‘it is agreed between the parties.’ Who are the parties? The plaintiff and the defendant. The defendant, therefore, has made himself personally liable.”

*Burrell v. Jones* (3 B. & Al. 47) and *Hall v. Ashurst* (1 Cr. & M. 714) will be found, on examination, to have been decided on the same ground. In the former, the solicitors of the assignees of a bankrupt tenant, upon whose lands a distress had been put by the landlord, gave the following undertaking:—“We, as solicitors to the assignees, undertake to pay the landlord his rent,” &c.; and it was held that the words “*as solicitors to*” were merely descriptive of the character in which they *personally* undertook, and were not equivalent to “on behalf of.” Holroyd, J., said, “The import of the instrument is not that the assignees undertake through the medium of the defendants as their solicitors, but that they, the defendants themselves, as solicitors, undertake. If the defendants are not bound, nobody is; for it is clear that the assignees are not bound.” In *Hall v. Ashurst* the defendant wrote to the plaintiff, “I undertake to bear and pay, on behalf of the London creditors, two-thirds of the expenses incident to certain proceedings;” and the Court took the distinction, that the terms of this undertaking imported not a *promise on behalf of* the assignees that they would pay, but a promise by the defendants themselves to pay for the assignees; and Lord Lyndhurst, C. B., said, (p. 716), “The undertaking here is not an undertaking on behalf of another person to do an act, but it is an undertaking to do an act on behalf of another person.” And again, (p. 719), “It is a contract by the defendant that he would bear and pay for other persons, not a contract on behalf of other persons to bear and pay.”

Again: where it appears, *on the face of* the contract, that it could not bind the supposed principal, as in *Watson v. Murrell*, (1 Car. & P. 307), where the defendant, the attorney for a parish, on an indictment against them for the non-repair of a road, entered into an agreement, whereby, “on the part of the parish, he agreed to pay the costs,” the Court will presume that the contract was intended to bind the agent personally, that being the only reasonable construction of which it is capable; and it was on this ground that Lord Campbell, C. J., distinguished the case of *Watson v. Murrell* in his judgment in *Lewis v. Nicholson*. But although the circumstance that the act to be done is to be performed by the agent renders him personally liable, the fact that the act is to be performed by another is not conclusive to shew that the agent is not liable; for the agent, by *expressly* covenanting or agreeing for himself, and not in the name of his principal, that something shall be done *by the principal*, may thereby bind himself, and this though he describe himself in the agreement as acting for and on behalf of the principal. (*Appleton v. Binks*, 5 East, 148). In several cases, in which the terms of the contract were, or were supposed to be, ambiguous, the Courts have relied on the fact that the contract was signed by the agent in his own name simply, without reference to his principal, as shewing an intention to create a personal liability in the agent. (See *Kennedy v. Gouveia* and *Tanner v. Christian*). And in *Spittle v. Lavender*, (5 Moore, 270), the circumstance that the defendant had signed the agreement as agent of B. was considered by the Court to render it

open to the construction that the defendant intended not to incur any personal liability.

We will now consider two cases in which it was held that the language used did not shew an intention to bind the agent personally. The first of these is *Downman v. Williams*, in error, (7 Q. B. 103). The defendant had written to the plaintiff as follows:—"Your bill of costs against J. W., amounting to 53*l*., I undertake to have paid to you.—*Pembrey Works*. Your bill of charges in this matter, amounting to 527*l*., I also undertake (on behalf of Messrs. Esdaile & Co.) to pay, and will arrange with you the time and mode immediately after the dividend meetings." The Court of Exchequer Chamber, reversing the judgment of the Court of Queen's Bench, held that the defendant was not liable on the undertaking to pay the 527*l*. Tindal, C. J., delivering the judgment of the Court, said, "As to the first point, the very terms of the letter itself, 'I undertake (on behalf of Messrs. Esdaile & Co.) to pay,' would seem to us, in their natural meaning, to point rather to a promise made by one person as agent for another, than as intended to bind the party speaking in the character of a principal; for, upon the latter supposition, there would appear to be no reason whatever for mentioning the name of the principal. To say the least, however, the expression is capable of bearing this construction; and when contrasted with the form of expression used by the defendant in the part of the same letter immediately preceding, viz. 'Your bill of costs, amounting to 53*l*. 7*s*. 2*d*., I undertake to have paid to you,' the distinction between the two modes of expression strongly confirms the interpretation we think it demanded in itself."

In the other, *Lewis v. Nicholson*, (16 Jur., part 1, p. 1041), the defendants, who were solicitors to the assignees of Arliss & Tucker, who were bankrupts, wrote to the solicitor of the plaintiff the following letter:—"Re Arliss & Tucker.—Sir,—In consideration of Mr. J. H. L., the plaintiff, for whom you act, consenting to the sale, &c., we hereby, on behalf of the assignees, consent that the net proceeds of the sale shall be paid over to you or your client, to the extent," &c., and signed it in their own names simply. In reply to this letter, the plaintiff's attorney wrote to the defendants:—"Re Arliss & Tucker.—In compliance with the undertaking given by you herein &c., I hereby, on the part of Mr. J. H. L., consent to the sale," &c., and signed the same, describing himself as solicitor to the said J. H. L. The Court, after advert- ing to the circumstance that both the defendants' and the plaintiff's attorney were acting as solicitors in the matter, and that it was clear that the plaintiff's attorney acted only as an agent, and relying on the previous case of *Downman v. Williams*, held that the defendants were not liable on the contract. They further held, that the circumstances under which the letters containing the contract were written might be looked to for the purpose of ascertaining the intention of the parties, but that a subsequent correspondence containing admissions by the defendants was inadmissible; and that assuming that the defendants had acted without authority from the assignees, they could not be sued as principals on the contract, but that the proper remedy would be by an action on the case for a false representation of their authority, or by an action on an implied contract for the existence of an authority which they professed to have; and they cited *Jenkins v. Hutchinson*, (13 Jur., part 1, p. 763; 13 Q. B. 744)\*.

It will be observed, on examining the grounds of the judgments in *Burrell v. Jones* and *Hall v. Ashurst*, that both those cases are distinguishable from the two cases last cited. It seems difficult, however, to reconcile the conclusion at which the Court arrived in

*Tanner v. Christian* with the principle on which *Downman v. Williams* and *Lewis v. Nicholson* were decided. The language may, as was said by the Court, be consistent with the defendant being a trustee; but it appears to be also consistent, to say the least, with his being a mere agent. The language of the memorandum is—"Memorandum of agreement between the defendant, on the part of N." &c.—"The defendant, on the part of N., agrees to let," &c. This language is similar to the words in *Downman v. Williams* and *Lewis v. Nicholson*, and is not the same as in *Norton v. Herron*, on which the Court relied, for in that case the body of the agreement ran—"And, first, the said G. H. (the agent) doth hereby agree to execute a lease," &c. And again, in *Tanner v. Christian* the Court appear to have relied on the expression, "paying unto the defendant, for the use of N., the yearly rent of 40*l*," as shewing that the rent was not only payable, but reserved to the defendant, and that therefore he would be the party by whom the lease was to be granted. But the whole language of the memorandum appears to point rather to the defendant being the agent of N., and to an agreement to let by N. through the agency of the defendant, reserving the rent to N., but payable to the defendant on his behalf; and that the plaintiff, when called on by the defendant on the part of N., was to take a lease from, and execute a counterpart to, N.; otherwise one is tempted to say, with the Court of Exchequer Chamber in *Downman v. Williams*, there appears to be no reason whatever for mentioning the name of N. If the defendant was a trustee, the constant introduction before every stipulation of the words "on the part of N." was useless, and altogether superfluous; and it is difficult to see how the defendant could have more carefully guarded against the possibility of being considered otherwise than as an agent of N. The circumstance of the memorandum being signed without reference to the principal cannot, since *Downman v. Williams* and *Lewis v. Nicholson*, in both of which the defendants signed in their own names simply, be considered as throwing much light on the intention in a case where the memorandum in its commencement and body purported to be made by the defendant on the part of N. It is clear also that N. might have been bound by such a memorandum.

A FULL abstract of the Solicitor-General's Testamentary Jurisdiction Bill will be found below. It proposes to deal with the subject in a vigorous and we think a satisfactory manner. The whole of the existing jurisdictions are to be abolished, and a testamentary court, consisting of a single judge, (whose place during temporary absence may be supplied by the Master of the Rolls or a Vice-Chancellor), is to have cognisance of all matters and questions testamentary, i. e., as the interpretation clause informs us, "all matters relating to the probate of wills, codicils, appointments by will or writing in the nature of a will, and other testamentary instruments as to personal estate, the grants of administration of the effects of deceased persons, and the establishment of testamentary instruments as to real estate."

The practice of this court is to be assimilated in all respects to that of the Court of Chancery. There is no provision for local courts or offices, but persons residing beyond the London post district may apply for probates and administrations through the Post-office; and the present Commissioners for taking Oaths in Chancery may take affidavits. The probates and administrations are to be advertised and printed, and copies sold.

\* See also *Polhill v. Walter*, (3 B. & Ad. 114).

It is proposed to give to the Court jurisdiction over real estate for testamentary purposes—that is to say, to empower the Court to establish wills of real estate and to appoint a real representative to any deceased person, which representative is to have the same powers of sale, mortgage, and disposition over the real estate of the deceased (other than real estate vested in a trustee or trustees for sale, with power to give discharges) as executors or administrators have over freehold estate. This provision is intended to supply a very pressing want; and in substance it is unexceptionable; but it requires some amendment in detail. Thus it is not clear whether the existence of a mortgagee or trustee for sale, not appointed by the will, would or would not exclude the jurisdiction of the Court; and it is not clear that the mere vacancy of the office of trustee for sale (though capable of being supplied) would not oust the jurisdiction. The case, we think, is one of the many which might much more safely be left to the discretion of the Court than be provided for by strict regulations, which can seldom be framed in terms at once comprehensive and precise. The Legislature may very well trust the Court not to displace the testator's own trustees for sale without sufficient cause.

It is proposed to smother all the questions not actually in course of litigation respecting bona notabilia and jurisdiction, by making valid all void and voidable probates and administrations.

On the whole, the provisions of the bill seem to be simple and complete, and we hope that the very liberal arrangements for compensation which it contains will in their present or in some modified form be accepted with a good grace both by those who demand compensation and by the public, so that this important reform may not be longer delayed.

### NOTES OF THE WEEK.

In the case of *The Ostsee*, the Supreme Court of Prize have decided that officers of her Majesty's navy detaining neutral ships without sufficient grounds, and under a misapprehension of their duty, are liable to make good the loss and expense their act may have occasioned.

It may be as well to remind our readers that affidavits sworn in and after the approaching Easter Term are to be expressed in the first person, and divided into paragraphs; each paragraph is to be numbered consecutively, and, as nearly as may be, confined to a distinct portion of the subject. No costs are to be allowed for any affidavit, or part of an affidavit, substantially departing from this rule. (Reg. Gen., Mich. Vac., 1854, rule 2). The form will be as follows:—

“In the Queen's Bench.

“Between *A. B.*, plaintiff,  
and  
*C. D.*, defendant.

“1. *I, E. F.*, of &c., make oath and say, that &c.  
“2. And I further say, that” &c.

### BILL IN PROGRESS.

#### ABSTRACT OF A BILL

(Prepared and brought in by Mr. Solicitor-General, Sir George Grey, and Mr. Attorney-General)

*To abolish the Jurisdiction of all the Ecclesiastical and Peculiar Courts in England and Wales respecting Wills and Administrations, to establish a distinct Court of Probate and Administration, and otherwise amend the Law in relation to Matters Testamentary.*

1. Commencement of act.
2. Interpretation clause.
3. The jurisdiction and authority of all ecclesiastical, royal peculiar, peculiar, manorial, and other courts and persons in

England and Wales, now having jurisdiction, power, or authority to grant or revoke probates of wills or letters of administration of the effects of deceased persons, shall absolutely cease and determine, and no jurisdiction or authority in relation to legacies, inventories, and accounts, or the distribution of the estates and effects of deceased persons, or any testamentary cause or matter, or any matter arising out of or connected with the grant of administration, shall belong to or be exercised by any such court or person as aforesaid.

4. All jurisdiction, power, and authority in relation to the granting probate of wills and letters of administration of the effects of deceased persons now vested in or which might be exercised by any court or person in England or Wales, together with complete jurisdiction for the purpose of determining all questions and matters relating to matters testamentary, shall belong to and be vested in her Majesty, and shall be exercised in the name of her Majesty in a court to be called “The Testamentary Court.”

5. The Testamentary Court shall, for the purpose of exercising the jurisdiction, power, and authority hereby vested in the same court, have all the jurisdiction, power, and authority of the High Court of Chancery, by statute or otherwise, now exercisable by the Court of Chancery with respect to matters within its jurisdiction, and also all powers and authorities, by statute or otherwise, now exercisable by the Prerogative Court or any other court, or body politic or corporate, or any person whomsoever, exercising or entitled to exercise jurisdiction in relation to matters testamentary.

6. The practice and proceedings in the court, except where otherwise directed by this act, or by any general order of the Lord Chancellor in pursuance of the provisions of this act, shall be similar to the practice and proceedings of the Court of Chancery.

7. The court shall hold its sittings at such place or places in London or Middlesex, or elsewhere, as her Majesty in Council shall from time to time appoint.

8. It shall be lawful for her Majesty to appoint, by letters-patent under the Great Seal of the United Kingdom, a fit and proper person, being or having been a barrister at law of fifteen years' standing at the least, or an advocate of the Court of Arches of ten years' standing at the least, to be the judge of the court.

9. During the temporary or occasional absence of the judge, it shall be lawful for the Lord Chancellor to direct that the Master of the Rolls, if he shall consent thereto, or any of the Vice-Chancellors, shall act as judge of the court.

10. It shall also be lawful for the Lord Chancellor to direct that during the temporary or occasional absence of the Master of the Rolls, or any of the Vice-Chancellors, the judge of the court shall act as a judge of the High Court of Chancery.

11. The judge to be appointed under this act shall have the same powers and privileges, as well in the Testamentary Court as in the Court of Chancery, and shall be subject to the same provisions, duties, and observances, as the Vice-Chancellors appointed under an act passed in the 5 Vict. c. 5, and he shall have rank and precedence next after the Vice-Chancellors.

12. He shall have a secretary, usher, and trainbearer, to be from time to time appointed and removed by him at his pleasure; and the secretaries, registrars, and other officers of the Court of Chancery appointed to attend the Lord Chancellor, and the principal registrar, registrars, and other officers of the Testamentary Court appointed under the provisions of this act, shall attend such judge when sitting in court or in chambers, as circumstances shall require, and as the Lord Chancellor shall order or direct.

13. The salary of such judge, and the salaries of his secretary, usher, and trainbearer, shall be of the same amounts, and paid out of the same funds, and in like manner as the salaries of the Vice-Chancellors appointed under the said act of the 5 Vict. c. 5, their secretaries, ushers, and trainbearers, are now payable.

14. Retiring pension. 5 Vict. c. 5.

15. Lord Chancellor may appoint persons to keep order in court.

16. Power to supply vacancies in office of judge appointed under this act.

17. Seal of the court.

18. The principal office of the court, to be called the “Testamentary Office,” shall be established in such place as her Majesty in Council shall from time to time appoint; and until another testamentary office shall be appointed by her Majesty

in Council, the present public registry of the Prerogative Court shall be used as the testamentary office.

19. There shall be the following officers of the court; (that is to say)—

One principal registrar;

Five registrars; and

So many principal clerks, assistant clerks, officers, messengers, and servants as the Lord Chancellor, with the sanction of the Commissioners of her Majesty's Treasury, may from time to time think fit.

20. Power to increase number of registrars and official clerks.

21. The principal registrar and all the other officers of the court, except as hereinafter mentioned, shall be appointed by the Lord Chancellor.

22. Certain present officers of the Prerogative Court to have equivalent offices in the new court.

23. The principal registrar shall, subject to any orders to be made by the Lord Chancellor, have the general superintendence and control of the offices of the court and the officers thereof, and the business transacted in such offices, and at the time of being appointed shall be or have been an advocate of the Court of Arches of ten years' standing, or a barrister-at-law of the like standing, or have served as registrar of the court for a period of five years.

24. No person shall hereafter be appointed registrar or principal clerk to the registrars who shall not be or have been an advocate of the Court of Arches, a barrister-at-law, a proctor in the courts at Doctors' Commons or in some ecclesiastical court in England or Wales, or a solicitor of the Court of Chancery: provided, that any person who at the time of the passing of this act is acting as registrar or deputy registrar of any ecclesiastical court shall be eligible to the office of registrar or principal clerk to the registrars.

25. The principal registrar and registrars shall execute their respective offices in person, and shall hold the same during their good behaviour, subject to be removed by order of the Lord Chancellor for some good and reasonable cause to be in such order expressed; the other officers of the court shall execute their respective offices in person, and not by deputy, and shall hold their offices during the pleasure of the Lord Chancellor.

26. The servants and messengers shall be appointed by the principal registrar, with the approbation of the Lord Chancellor.

27. All persons who at the time of the passing of this act are advocates of the Court of Arches shall be entitled to practise as counsel in any of her Majesty's courts of law or equity in England or Wales, in like manner in all respects, and with the same rank and precedence, and the same eligibility to appointments under acts of Parliament or otherwise, as if they had respectively been duly called to the degree of barrister-at-law on the day on which they respectively were admitted as advocates in the said Court of Arches.

28. Every person who at the time of the passing of this act is actually admitted and practising as a proctor and notary in the courts at Doctors' Commons, or any ecclesiastical court in England or Wales, may, at any time after the passing of this act, not later than one year thereafter, be admitted as a solicitor of the High Court of Chancery, upon the production of his admission as such proctor and notary, or an official certificate thereof, and upon the production of an official certificate that such admission continues in force, and upon signing the roll of the Court of Chancery, but not otherwise; and such admission shall entitle such proctor so admitted as a solicitor to be afterwards in like manner admitted, if he shall so think fit, and to be inrolled as an attorney of her Majesty's superior courts of common law at Westminster.

29. Every person who at the time of the passing of this act is actually serving or has served as an articulated clerk to a person entitled to act as a proctor in the courts at Doctors' Commons, or in some ecclesiastical court in England or Wales, and entitled to take such articulated clerk, and who has not been admitted as a proctor, shall be entitled, at any time within one year after his having completed his full term of service as such articulated clerk, to be admitted as a solicitor of the High Court of Chancery, upon signing the roll of the same court, and with the like privileges as if he had been admitted as a proctor and notary at the time of the passing of this act.

30. All solicitors of the High Court of Chancery shall be solicitors of the court, and all commissioners for taking oaths

in the High Court of Chancery shall be commissioners for taking oaths in the court.

31. All the laws and statutes now in force concerning attorneys and solicitors shall extend to solicitors practising in the court.

32. Orders to be drawn up by registrar; office copies, &c.

33. The accountant-general of the Court of Chancery and the taxing masters of the same court shall act as accountant-general and taxing masters of the Testamentary Court.

34. Accountant-general, &c. to act on orders of the court.

35. Appeal to the Lord Chancellor or Court of Appeal in Chancery, and to the House of Lords.

36. Any person desirous of proving any will, or obtaining letters of administration to the effects of any deceased person, is, either personally or through a solicitor, to apply for the same at the testamentary office of the court, and leave or cause to be left in such office the will, if any, of the deceased, (unless the same shall have been previously deposited in the court or the registries thereof, or shall for any other reason be not required to be left), and also a copy of the will, if any, and an affidavit made by the person or some one of the persons applying for such probate or administration, with a schedule thereto, in a form similar to the form set forth in the Schedule (A.) to this act, with such variations as the nature and circumstances of the case may require, and such other papers as may be necessary for the purpose of obtaining such probate or administration.

37. Where the person applying for such probate or administration shall be resident out of the limits of the London district post, such application, together with the documents necessary for the purpose of obtaining such probate or administration; may be addressed and sent through the General Post-office to the principal registrar.

38. The principal registrar shall cause printed forms to be prepared and circulated, containing directions to commissioners for taking oaths in the court as to the inquiries they are to make of persons applying for probate or administration, and printed forms of affidavits, applicable, as far as circumstances will permit, to the different cases likely to arise, in order that such printed forms of affidavits may be filled up and signed, and sworn to by the applicant.

39. If and when the principal registrar shall be satisfied upon any such application as aforesaid, whether made directly at the testamentary office or sent to him through the General Post-office, that the same ought to be granted, he shall signify such satisfaction to the person making such application, and subject to such regulations as may be made by the Lord Chancellor as to the mode of payment of the stamp duty payable by law on such probate or administration, and the fees payable thereon, shall cause such probate or administration to be granted accordingly, and to be delivered or transmitted through the General Post-office to the person making such application as aforesaid, or his solicitor.

40. Form of probate and administration.

41. Probates and administrations to be printed.

42. The principal registrar shall, within such time after the grant of probate or administration as the Lord Chancellor shall by any general order direct, cause a printed copy thereof to be transmitted through the post to each of the following offices or places; (that is to say),

1. The Metropolitan Register Office of Births and Deaths in London;

2. The Office of her Majesty's Prerogative in Dublin;

3. The Office of the Commissary of the County of Midlothian in Edinburgh;

4. The Office of the Registrar of Births and Deaths in the district within which the deceased died, in all cases where the place of his death shall be known to have been within any such district;

5. Such other offices or places, if any, as the Lord Chancellor shall from time to time direct.

43. Any printed copy of a will, probate, or administration, to be so transmitted as aforesaid, may be inspected by any person, on payment of a fee of sixpence.

44. The principal registrar shall also retain in the testamentary office so many printed copies of the will or administration as he shall think necessary for inspection and sale, having regard to the nature of the instrument, the amount of the property, and the probable demand for copies thereof.

45. Official printed copies of wills or administrations to be proved or granted after this act shall come into operation



shall, so long as any copies retained for sale shall be undisposed of, be issued to any person applying for the same, on payment of such fee as shall be fixed for the same by any order of the Lord Chancellor, to be made as hereinafter mentioned.

46. Every printed copy issued by the principal registrar shall be stamped in such manner as to denote the amount of *ad valorem* duty which has been paid in respect of such probate or letters of administration.

47. Official written copy of part of a will may nevertheless be obtained.

48. A note containing particulars of every probate or administration to be advertised in *London Gazette*.

49. Executor or administrator within twelve months to file inventory of effects of deceased.

50. In case of neglect of executor or administrator to file inventory within such period, the court, on application of any person interested, may order same to be filed, with costs.

51. Practice as to caveats in the court to correspond with practice as to caveats in the Prerogative Court.

52. Commissioners for taking oaths to receive and transmit caveats.

53. Instead of citation, summons to be issued by testamentary office, but according to practice of Prerogative Court.

54. Any person having an interest in, and being desirous of, establishing any will of the real estate of any deceased person, or of recalling or revoking any probate or administration which may have been granted through the testamentary office, may institute a suit in the court for the purpose, either by bill or claim, as he may be advised.

55. No demurrer for want of parties, but suit to proceed, if judge think fit.

56. The determination of the court in any such suit, if the court shall think fit so to declare by its decree or order therein, shall bind all persons named or referred to therein by a particular or general description, including persons under disability, whether parties to the suit or not, and persons unborn.

57. Any person named or referred to by any such decree or order as last aforesaid, and purporting to be bound thereby, though not a party to the suit, may have such relief, if any, against the same, by way of rehearing or appeal, or otherwise, as he would have been entitled to in case he had been originally made a party thereto.

58. Existing acts as to sureties in administration bonds repealed.

59. Every person to whom any grant of administration shall be committed shall give bond to the judge of the court for the time being, and, if the court shall so require, with one or more surety or sureties, conditioned for duly collecting, getting in, and administering the personal estate of the deceased, which bond shall be in such form as the Lord Chancellor shall from time to time by any general order direct.

60. Such bond shall be in a penalty of double the amount under which the estate and effects of the deceased shall be sworn, unless the court shall in any case think fit to direct the same to be reduced, in which case it shall be lawful for the court so to do, and also to direct that more bonds than one shall be given, so as to limit the liability of any surety or sureties to such amount as the court shall think reasonable.

61. Power to court to assign bond.

62. Pending testamentary suits (other than appeals to Privy Council) transferred to new court. Saving of present right of appeal to Privy Council.

63. Power to judge of Prerogative Court to deliver written judgments in causes heard before act comes into operation.

64. Where a person has died or shall die wholly intestate as to his personal estate, or leaving a will affecting personal estate, but without having appointed an executor thereof willing and competent to take probate, and it shall appear to the court to be necessary or convenient in any such case to appoint some person to be the administrator of the personal estate of the deceased, other than the person who, if this act had not passed, would by law have been entitled to a grant of administration of such personal estate, it shall not be obligatory upon the court to grant administration of the personal estate of such deceased person to the person who, if this act had not passed, would by law have been entitled to a grant thereof, but it shall be lawful for the court, in its discretion, to appoint such person as the court shall think fit to be such administrator, upon his giving such security (if any) as the court shall direct; and if

in the judgment of the court, under the special circumstances of any particular case, it shall be proper or advisable so to do, to appoint as such administrator a person to be under the immediate control of and immediately accountable to the court, and to allow to such person such remuneration out of the estate as the court shall think fit.

65. Administration pendente lite.

66. It shall be lawful for the court to appoint a receiver of the real estate of any deceased person pending any suit in the court touching the validity of any will of such deceased person.

67. Remuneration to administrators and receivers pendente lite.

68. After grant of administration, no person to have power to sue as an executor.

69. Revocation or determination of temporary grants not to prejudice actions or suits.

70. The court shall have the same or the like power and control over all wills and testamentary instruments, and over all papers or writings purporting to be testamentary, as the Prerogative Court now has or can exercise with respect to matters within the jurisdiction of the same court.

71. Court may remove from registry or cancel a forged will, or restore a will which has been tampered with.

72. It shall be lawful for the court, on motion, petition, or otherwise, in a summary way, whether any suit shall be depending in the court with respect to any probate or administration or not, to order any person to produce and bring into the testamentary office of the court, or otherwise as the court may direct, any paper or writing, being or purporting to be testamentary, which may be shewn to be in the possession or under the control of such person; and if it shall not be shewn that any such paper or writing is in the possession or under the control of such person, but it shall appear that there are reasonable grounds for concluding that he has the knowledge of any such paper or writing, it shall be lawful for the court to direct such person to be examined upon interrogatories respecting the same, and such person shall be bound to answer such interrogatories, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like process of contempt in case of default in not answering such interrogatories, or not producing or bringing in such paper or writing, as he would have been subject to in case he had been a party to a suit in the court, and had made such default as aforesaid; and the costs of all such proceedings and of such production as aforesaid shall be in the discretion of the court.

73. Court may direct validity of a will to be tried by jury.

74. Attesting witnesses to will may be examined at discretion of court. Costs.

75. It shall be lawful for any person interested in the real estate of any deceased person, whether such person shall have died before or after the passing of this act, to apply to the court in any suit, or upon motion or petition, in a summary manner, without bill or claim filed, to appoint some person to be the representative of the real estate of such deceased person, or any part thereof; and the court, if it shall think fit, shall, upon notice of such application to such persons, if any, as it shall think fit, have power to make such appointment as to such real estate only of the deceased as may not be vested in trustees or a trustee in trust for sale, with power to give discharges to purchasers, or over which there shall not be a power of sale exercisable by any trustee or trustees or other person or persons, with a like power of giving discharges to purchasers, or any part of such real estate.

76. Every real representative so to be appointed shall have full power to sell and convey the real estate of the deceased, or so much thereof as shall be comprised in or affected by the order appointing such real representative, and to receive the rents and profits thereof, and to raise money by mortgage of the same, and to give discharges for such purchase and mortgage monies, and rents and profits, and shall apply the money to be received by him for the purposes and in the manner in such order to be expressed, but no purchaser or mortgagee shall be in any manner bound to see to such application.

77. In all suits respecting the real estate comprised in or affected by any order appointing a real representative, the real representative so appointed shall represent such real estate in the same manner and to the same extent as the executor or administrator of any deceased person represents the personal estate of such deceased person.

78. Except where otherwise provided, none of the pro-



visions herein contained with reference to the real estate of deceased persons shall extend to the real estate of persons dying before this act comes into operation.

79. Except as hereinafter provided, no suit or proceeding shall be instituted or taken to revoke or recall any probate of a will or grant of administration, after the expiration of twenty years from the date of such probate or administration.

80. Further period of ten years for disabilities.

81. On allegation of fraud, court may allow suit after time of limitation elapsed.

82. Void and voidable probates and administrations not under litigation to be valid.

83. Power to Lord Chancellor to make rules and regulations.

84. Judges of present ecclesiastical courts and others, at request of principal registrar, to transmit all wills, &c. in their possession, &c. to the record keepers, to be deposited in testamentary office, there to be arranged for reference.

85. Penalty for default.

86. Power to Lord Chancellor to arrange for temporary custody of wills, &c. until same are deposited in testamentary office.

87. Provision for appointment of temporary officers.

88. Power to Lord Chancellor to direct registrars to discharge the duties of principal registrar during vacation, &c.

89. Power to Lord Chancellor to remove any officer appointed under this act engaging in other employment.

90. Proctors, solicitors, &c. appointed to any office under this act to cease to be proctors in the courts at Doctors' Commons, and struck off the rolls, as the case may be.

91. Registrars, &c. to have power to administer oaths.

92. Forging or counterfeiting seal of court or signature of officers. Penalty.

93. This act not to affect the stamp duties on probates and administrations.

94. The registrar to deliver copies of wills, &c. to the Commissioners of Inland Revenue.

95. Lord Chancellor to prepare table of fees to be taken by officers of court, with power to vary the same as he may think fit, and to publish same in Gazette. No other fees to be taken.

96. No officer to retain for his own use any fees, or accept gratuity. Penalty.

97. Prosecution of offenders.

98. Fees not to be paid in money, but by stamps.

99. So much of the Suits in Chancery Relief Act as applies to the collection of fees by stamps incorporated, except that separate accounts to be kept. Commissioners of Inland Revenue to retain expenses, &c., and pay residue into Bank of England to an account, "The Testamentary Fee Fund Account."

100. Fees to be paid to the same account.

101. Acts relating to stamps under Commissioners of Inland Revenue incorporated.

102. Power to Lord Chancellor to provide offices, &c.

103. Salaries of officers.

104. Power to Lord Chancellor to remove any officer becoming infirm or incapable, and to limit retiring allowance.

105. Mode of compensating retiring officers, &c. Superannuation allowance.

106. And whereas, by the abolition of the present mode of procedure in matters testamentary, the judges and deputy judges, registrars and deputy registrars, and other persons holding office in the ecclesiastical courts, who are lawfully entitled to receive certain salaries or fees payable in respect of the transaction of business in matters testamentary, will be wholly deprived thereof, and it is reasonable and fit that compensation should be made to such persons in respect of such losses: be it therefore enacted, that it shall be lawful for every such judge, deputy judge, registrar, deputy registrar, and other person to claim compensation in respect of such salaries and fees from the Commissioners of her Majesty's Treasury within six months from the time when this act shall come into operation; and it shall be lawful for the Commissioners of her Majesty's Treasury, by examination on oath or otherwise, and in such manner as they shall think fit, to inquire into the nature of the office, and what was the tenure, and what was the clear annual amount, on an average of five years immediately preceding the 1st January, 1855, of the lawful salaries and fees in respect of which compensation shall be so claimed, and to require the production of such evidence as they shall think fit;

and the said Commissioners of her Majesty's Treasury shall have regard to the fact whether such office shall have been exercised jointly or by deputy, in which case any joint holder of the said office, or the person performing the duties of the office by deputy, shall be entitled to make claim in respect of the emoluments actually received by him under or by virtue of any arrangement entered into with the other joint holder, or the deputy, as the case may be; and the Commissioners of her Majesty's Treasury shall allot to such officers, joint holders of offices, and deputies, and other persons, such sums or annual sums in respect of their several claims respectively, on an average of five years immediately preceding the 1st January, 1855, as to them shall seem just: provided, that in no case shall any such officer, joint holder of an office, or deputy, be entitled to receive any such compensation unless he shall have held such office, joint office, or deputyship for the space of three years immediately preceding the 1st January, 1855; and provided also, that every such officer, joint holder of an office, or deputy, who shall have held such office, joint office, or deputyship for more than three years, but less than six years, immediately preceding the 1st January, 1855, shall be entitled to one-half only of the amount of emolument so enjoyed by him as aforesaid, to be computed on the average of the whole time during which he shall have held such office.

107. And whereas it is apprehended that the fees or emoluments of the persons now practising as proctors in the several ecclesiastical courts will be materially curtailed by the abolition of the exclusive rights and privileges which they have hitherto enjoyed as such proctors in the ecclesiastical courts in matters testamentary: be it enacted, that the Commissioners of her Majesty's Treasury, by examination on oath or otherwise, which oath they are hereby authorised to administer, may inquire into and ascertain the net annual amount of the profits arising from matters testamentary made by such proctors, (not being solicitors or attorneys), on an average of five years immediately preceding the 1st January, 1854, or of such proportion of five years as shall have elapsed since such proctor was admitted to practise in such courts in respect to matters testamentary, and to award to every such proctor a sum of money or annual payment, during the term of his natural life, of such amount as the said commissioners shall deem to be equitable: provided that such sum of money or annuity so awarded shall not exceed in value one-half of the net profits derived by such proctor in respect of the matters aforesaid, upon the said average of five years immediately preceding the 1st January, 1854, or of such proportion of the said five years as shall have elapsed since the admission of such proctors to practise in the ecclesiastical courts.

108. And whereas divers proctors practising in ecclesiastical courts now are, or may at the time of this act coming into operation be, associated together in partnership: be it therefore enacted, that in all such cases the Commissioners of her Majesty's Treasury shall inquire into and ascertain the terms or conditions of such partnerships, and shall award compensation in respect thereof, as hereinbefore provided, to each of such partnerships, in like manner as if all the emoluments thereof had been derived by one individual, and shall apportion such compensation among the members of each such partnership, regard being had to the existing terms and conditions of the same.

109. There shall be awarded to the judge of the Prerogative Court, by way of compensation, an annual sum, equal in amount to the net annual value of the lawful fees and emoluments of his office, according to such an average, prior to the time of this act coming into operation, as the said Commissioners of her Majesty's Treasury shall think proper, and such annual sum shall be payable to him during his life.

110. Salaries of persons appointed to offices to go in reduction or satisfaction of compensation.

111. Clause for protection of the interests of the Right Hon. Charles Viscount Canterbury.

112. The registry of the Prerogative Court of Canterbury to vest in registrar of the court.

113. Compensation to Rev. R. Moore, for building, to be determined by arbitration.

114. How compensation to be paid.

115. Time of payment of salaries, &c.

116. Power to Lord Chancellor to order surplus of Testamentary Fee Fund to be paid into the Exchequer. If fund insufficient to defray salaries, &c., Commissioners of the Treasury to provide for the same.

117. Probate of will or grant of administration of effects of person dying domiciled in England, Wales, or Ireland, to be valid in Ireland or Scotland. In like manner, probate or administration granted by her Majesty's Prerogative Court in Ireland to be valid in Great Britain. Proviso, that no person transferring any personal estate to any person claiming under any such probate, administration, or confirmation as aforesaid, shall be bound to inquire into the domicile of the deceased, if the fact of such domicile shall be stated on the face of the probate, administration, or confirmation, or be in anywise affected, though the domicile of the deceased may be untruely stated thereon.

118. Short title.

119. This act shall not extend to Scotland or Ireland, except where expressly mentioned.

### Court Papers.

#### COMMON-LAW SITTINGS, IN AND AFTER EASTER TERM, 1855.

##### Court of Queen's Bench.

In Term.

MIDDLESEX.	LONDON.
1st sitting .. Tuesd., April 17	1st sitting, Monday, April 23
2nd sitting.. Wednesday.. 25	2nd sitting, Monday .... 30
3rd sitting.. Thursday, May 3	
For undefended causes only.	

After Term.

Wednesday ..... May 9 | Friday ..... May 11

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

##### Court of Common Pleas.

In Term.

MIDDLESEX.	LONDON.
Friday ..... April 20	Tuesday ..... April 24
Friday ..... 27	Tuesday ..... May 1

After Term.

Wednesday ..... May 9 | Friday ..... May 11

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

##### Exchequer of Pleas.

In Term.

MIDDLESEX.	LONDON.
1st sitting, Tuesday, April 17	
2nd sitting, Wednesday .. 25	Tuesday ..... April 24
3rd sitting, Thursday, May 3	

After Term.

Wednesday ..... May 9 | Friday ..... May 11

The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

#### COMMON-LAW CAUSE LISTS, EASTER TERM, 1855.

##### Court of Queen's Bench.

###### NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER HILARY TERM, 1855.

FOR ARGUMENT.

HILARY TERM, 1854.

<p> <b>London.</b>—Nicoll v. Oliver          „ Hill v. Oliver          „ Brodie v. Oliver  <b>HILARY TERM, 1855.</b>  <b>Midd.</b>—Gardner v. Walsh  <b>London.</b>—Simmonds v. Wood       </p>	<p>         Stand over till the case of <i>Mitcherson v. Oliver</i> (in error) is disposed of.  <b>London.</b>—Siggers v. Evans  <i>Tried during Term.</i>  <b>London.</b>—Tinmouth v. Blumer.       </p>
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#### SPECIAL CASES AND DEMURRERS

FOR EASTER TERM, 1855.

Those marked thus \* are Special Cases, and thus † Demurrers.

FOR JUDGMENT.

\*Bostock v. North Staffordshire Railway Co.

FOR ARGUMENT.

†Burgoyne v. Cottrell  
 †Kitson v. Julian & an.  
 †Petrie v. Ellis  
 †Esposito v. Bowden  
 \*Schillizzi & an. v. Derry  
 †Lewis v. Bright & an.  
 \*Beckett & ora. v. Upton  
 †Cordier v. Birnsting  
 \*Hamond v. M'Cree

†Easdown v. South-eastern Railway Co.

†Steele v. Stuart & an.

†Smart & an. v. Morton

†Robinson v. Rutter

†Newman v. Ansaldi

\*Wilson v. Robertson & an.

†Thompson & ora. v. Gillespy

†Hilton v. Eckeraley

†Cubitt v. Metropolitan Railway Co.

†Beard & an. v. Solvency Mutual Guarantee Co.

†Gould v. Webb.

#### ENLARGED RULES

FOR EASTER TERM, 1855.

First Day.

In re Vaughan France

Brook v. Chaplin

Reg. v. Deeping Fen Adventurers

Reg. v. Lords, &c. of Romney

Marsh

Same v. Chaplin

Same v. Cooksey.

#### CROWN PAPER, EASTER TERM, 1855.

Anglesey .... Reg. v. Lewis.

Lancashire.... Fleetwood, Preston, and West Riding Junction Railway Co.

Kent ..... Council of the Borough of Gravesend.

Warwickshire.. Lunt.

Essex ..... Commissioners of Paving, Colchester.

Derbyshire.... Midland Railway Co.

Berkshire .... Pratt.

Lancashire.... London & North-western Railway Co.

London ..... Edmonds.

##### Court of Common Pleas.

###### NEW TRIALS.

Moved Easter Term, 1853.

Surrey—Clark v. Arden (Part heard)

Moved Hilary Term, 1854.

Midd.—Allsop v. Brittain (Referred to Master, who is to report to the Court), Apr. 28

Moved Mich. Term, 1854.

Midd.—Castrique v. Troutbeck

Moved Hilary Term, 1855.

London.—Sanguer v. London & South-western Railway Co.

„ Benthall v. Bacon.

#### ENLARGED RULES.

First Day.

Cooper v. Pegg

Gittins v. Symes

Simpson v. Sadd

Until after Action tried in Queen's Bench.

Dawson v. Williams.

#### DEMURRER PAPER.

Those marked thus \* are Special Cases.

Friday, April 20.

Smith v. Douglas (County Court Appeal, part heard)

\*Alexander v. Hedderley

Abbott v. Rogers

Livesey v. Pascoe

\*Myers v. Willis

Eastern Counties Railway Co. v. Wood.

#### CUR. ADV. VULT.

Stratton v. Pettit.

##### Court of Exchequer.

SITTINGS—EASTER TERM, 1855.

Days in Term.

Monday .. April 16	Motions and Peremptory Paper.
Tuesday ..... 17	Errors, Peremptory Paper, & Motions.
Wednesday..... 18	.....
Thursday ..... 19	.....
Friday ..... 20	.....
Saturday..... 21	.....
Monday ..... 23	Special Paper.
Tuesday ..... 24	.....
Wednesday .... 25	Special Paper.

<i>Days in Term.</i>	<i>Banc.</i>
Thursday..... 26	.....
Friday..... 27	.....
Saturday..... 28	Crown Cases.
Monday..... 30	Special Paper.
Tuesday.... May 1	.....
Wednesday..... 2	Special Paper.
Thursday..... 3	.....
Friday..... 4	.....
Saturday..... 5	.....
Monday..... 7	.....
Tuesday..... 8	.....

<i>Days in Term.</i>	<i>Nisi Prius.</i>
Tuesday... April 17	Middlesex, first Sitting.
Tuesday..... 24	London, Sitting.
Wednesday..... 25	Middlesex, second Sitting.
Thursday.... May 3	Middlesex, third Sitting.

## NEW TRIALS.

<i>FOR JUDGMENT.</i>	<i>FOR ARGUMENT.</i>
Leicester—Barnett v. Earl of Guilford	Moved <i>Hilary Term</i> , 1855.
Moved <i>Hilary Term</i> , 1855.	Midd.—Helas v. Talbot
London.—Bovill v. Pimm	„ Kemp v. Hurry
„ Forbes v. Marshall	„ Harris v. Dean.

## PEREMPTORY PAPER.

To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.

Taylor v. Crowland Gas and Coke Co.	Metropolitan Economic Caviollet Co. v. Bruno
Willingate v. Holloway	Rawlings v. Woodbridge.

## SPECIAL PAPER.

<i>FOR ARGUMENT.</i>	
Maricon v. Bloxam (D, to stand over till issue in fact tried)	Shepherd v. Hills (Part heard, case to be amended)
	Yellowly v. Gower (D)
	Williams v. Evans.

## GAZETTES.—FRIDAY, April 6.

## BANKRUPTS.

JOHN BURROWES and ALEXANDER MEARNES REID, Leadenhall-street, dealers and chapmen, April 20 at 2, and May 11 at 12, London: Off. Ass. Stansfeld; Sols. Lawrence & Co., Old Jewry-chambers.—Pet. f. April 4.

JOHN JAMES PARKER, Greenwich, bricklayer, April 14 and May 18 at 1, London: Off. Ass. Whitmore; Sol. Sadgrove, 64, Mark-lane.—Pet. f. April 3.

ROBERT TODD the elder, Westbourne-park-villas, Paddington, dealer and chapman, April 13 and May 18 at 2, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Pet. f. March 28.

THOMAS LANDS, otherwise WHITE, High-street, Camden-town, dealer and chapman, April 20 at 11, and May 18 at 12, London: Off. Ass. Cannan; Sols. Harrison & Lewis, 14, New Boswell-court, Lincoln's-inn.—Pet. f. April 3.

JAMES PIPER, Holborn-hill, carver and gilder, April 17 at 3, and May 15 at 12, London: Off. Ass. Lee; Sols. James & Curtis, 23, Ely-place, Holborn.—Pet. f. March 29.

JOHN MAPLES, Nottingham, dealer and chapman, April 24 and May 8 at 10, Nottingham: Off. Ass. Harris; Sols. Coope, Nottingham; Harrison & Wood, Birmingham.—Pet. d. March 31.

GABRIEL WEBSTER, Dewsbury, Yorkshire, plumber and glazier, May 1 at 1, and May 22 at 11, Leeds: Off. Ass. Hope; Sols. Scholes & Son, Dewsbury; Blackburn, Leeds.—Pet. d. April 4.

JOHN BIGHAM, Liverpool, shipowner, April 19 and May 10 at 11, Liverpool: Off. Ass. Turner; Sols. Lowndes & Co., Liverpool.—Pet. f. March 30.

JOHN WALSH, Liverpool, corn merchant, (trading under the firm of John Walsh & Co.), April 17 and May 8 at 11, Liverpool: Off. Ass. Morgan; Sol. Yates, jun., Liverpool.—Pet. f. March 30.

WILLIAM ENGLAND and FREDERICK HENRY ENGLAND, Bratton Mills, near Westbury, Wiltshire, clothiers, April 17 and May 14 at 11, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol.—Pet. f. March 20.

## MEETINGS.

Daniel Edgar Monies, Liverpool, broker, April 20 at 11, Liverpool, pr. d.—Jas. Fletcher Campbell, St. Peter's-alley, Cornhill, insurance broker, April 20 at half-past 11, London, last ex.—Daniel Keen, Hillingdon, Middlesex, brickmaker, April 20 at 12, London, last ex.—David Halket, Herne Bay, Kent, shipowner, April 20 at half-past 1, London, last ex.—Jas. Johnson, Macclesfield, Cheshire, silk dyer, April 16 at 12, Manchester, last ex.—Samuel Garratt and Henry Buckley, Longdendale, Cheshire, innkeepers, April 18 at 12, Manchester, last ex.—John Boddington, Manchester, malt factor, April 18 at 12, Manchester, last ex.—Wm. Martin, Newcastle-upon-Tyne, joiner, April 18 at 12, Newcastle-upon-Tyne, last ex.—Robert Norman, Histon, Cambridgeshire, grocer, April 18 at 2, London, aud. ac.—Wm. Austin, Colchester, grocer, April 18 at 1, London, aud. ac.; April 28 at half-past 12, div.—H. Buckell, Portsea, draper, April 18 at half-past 1, London, aud. ac.—A. Nevison, Darlington, Durham, hosier, April 18 at 11, London, aud. ac.—W. Bowler, Jamaica Wharf, Upper Ground-street, Lambeth, timber merchant, April 18 at 11, London, aud. ac.—Samuel S. Ireland, Brighton, cabinet maker, April 18 at 1, London, aud. ac.—J. W. Rymill, Paul's-wharf, Upper Thames-street, paper agent, April 16 at 11, London, aud. ac.—Wm. B. Nash, College-hill, Cannon-street West, wine merchant, April 24 at 1, London, aud. ac.—Edward H. Bailly, Newman-street, Oxford-street, and Crescent, Camden-road Villas, sculptor, April 24 at 1, London, aud. ac.—John Dickie and David Dickie, Portsea, drapers, April 24 at 2, London, aud. ac.—James Crouch and Job Crouch, Wimbledon, Surrey, builders, April 24 at 2, London, aud. ac.—Wm. Walford, Wolverhampton, common brewer, April 28 at 11, Birmingham, aud. ac.—George Richard Blackwell, Cheltenham, marble mason, April 26 at 11, Bristol, aud. ac.—Andrew Love and Charles Keys, Liverpool, looking-glass manufacturers, April 20 at 11, Liverpool, aud. ac.—S. Carlton, Darlington, coach manufacturer, April 18 at 11, Newcastle-upon-Tyne, aud. ac.—Abrams Hanson, Huddersfield, yarn manufacturer, May 8 at 12, Leeds, aud. ac.; at half-past 12, div.—B. Smith, Kildwick, Yorkshire, worsted spinner, May 8 at 12, Leeds, aud. ac.; at half-past 12, div.—R. Martindale, Low Harrogate, Yorkshire, draper, May 8 at 12, Leeds, aud. ac.; at half-past 12, div.—Henry Wals, Attercliffe, near Sheffield, innkeeper, April 14 at 12, Sheffield, aud. ac.—David Haslehurst, Sheffield, and Henry Basen the elder, Whittington, Derbyshire, colliers, April 21 at 12, Sheffield, aud. ac.—Wm. Miers, Strand, ormolu miniature frame maker, April 27 at 1, London, div.—Charles Haselden, Wigmore-street, Cavendish-square, bookseller, April 27 at 12, London, div.—John Beaumont the elder and John Beaumont the younger, Commercial-place, City-road, coachmakers, April 27 at half-past 1, London, div.—Wm. Foster, Bridge-wharf, Millbank, Westminster, stone merchant, April 27 at 11, London, div.—J. Gower, Lawrence-lane, warehouseman, April 27 at half-past 11, London, div.—James H. Gibbons, Wood-st., Cheapside, straw hat warehouseman, April 30 at half-past 1, London, div.—C. J. C. Elkington, Hall-street, City-road, electro-plate manufacturer, April 30 at 2, London, div.—C. H. Harben, Goulstone-street, Whitechapel, and Carlton-hill Villas, Camden-road, Holloway, wholesale cheesemonger, April 28 at half-past 12, London, div.—R. Scott, W. Fairlie, and Joseph Hare, Union-court, London, merchants, April 27 at 11, London, div.—Benjamin Miller, Landport, Southampton, mercer, April 27 at half-past 12, London, div.—Edward Murus, Maidstone, licensed victualler, May 1 at 12, London, div.—W. Stewart, Mitre-court, Cheapside, merchant, May 1 at 12, London, fin. div.—George Mathias, Glastonbury, Somersetshire, scrivener, May 3 at 11, Bristol, fin. div.—Andrew Love and Charles Keys, Liverpool, looking-glass manufacturers, April 27 at 11, Liverpool, div.—Thomas Benjamin King, York, manufacturer of paperhangings, April 27 at 11, Leeds, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

Malcolm Inglis and Eyton Bond, Old Broad-street, mer-

chants, May 3 at half-past 11, London.—*Joshua Vines* and *James Smith*, Dover-road, Borough, builders, May 1 at 11, London.—*Stephen Grantham*, Connaught-terrace, dealer in hay, May 1 at half-past 11, London.—*Richard Ashby*, Melina-place, Lambeth, baker, May 1 at 2, London.—*William Horton*, High-street, Islington, grocer, April 27 at half-past 12, London.—*Joshua Monckton*, King-street, Baker-street, licensed victualler, April 27 at half-past 1, London.—*Frederick Noake Baker*, Southampton, timber merchant, April 27 at half-past 11, London.—*George Richard Blackwell*, Cheltenham, marble mason, May 1 at 11, Bristol.—*Jane Warren*, Bristol, haberdasher, May 1 at 11, Bristol.—*Daniel Hearn*, Cheltenham, linendraper, May 1 at 11, Bristol.—*Benjamin Ratcliffe* and *James Ratcliffe*, Halifax, manufacturers, April 27 at 11, Leeds.—*John Anderson*, Bradford, grocer, April 27 at 11, Leeds.—*John Moore*, Halifax, common brewer, April 27 at 11, Leeds.—*John Roper* and *William Mitchell*, Keighley, Yorkshire, worsted spinners, April 27 at 11, Leeds.—*George Bailey*, Walsall, innkeeper, May 3 at half-past 10, Birmingham.—*William Hughes*, Shelton, Staffordshire, builder, May 3 at half-past 10, Birmingham.—*Thomas Freck*, Nottingham, grocer, May 1 at 10, Nottingham.—*Haydon Louisa*, Bourne, Lincolnshire, coach builder, May 1 at 10, Nottingham.—*John Henry Cheetham*, Nottingham, lace manufacturer, May 1 at 10, Nottingham.

*To be granted, unless an appeal be duly entered.*

*Henry Newby*, North-place, Kingland-road, builder.—*John Nicholas Smith*, Jewry-street, Aldgate, provision merchant.—*Joseph Cawley*, Michael's-place, Brompton, upholsterer.—*John Stevens*, Fetter-lane, cheesemonger.—*Edward Murus*, Maidstone, licensed victualler.—*Charles Onken*, Rope-makers-street, Finsbury, coachmaker.—*William John Watson*, Upper Holloway, builder.—*Edward Leader Box*, Bristol, corn merchant.—*James Sidebotham*, Manchester, grocer.—*Betty Barron*, Bacup, Lancashire, manufacturer.—*Titus Gaukroger*, *James Gaukroger*, and *William Slater*, Halifax, cotton spinners.—*John Marshall*, Bradford, brewer.

#### PARTNERSHIP DISSOLVED.

*George Josselyn* and *Sterling Westhorp*, Ipswich, attorneys and solicitors.

#### TUESDAY, April 10.

##### BANKRUPTS.

**GEORGE CHRISTMAS LONG**, Dartford, Kent, dealer and chapman, April 24 at half-past 1, and May 22 at 12, London: Off. Ass. Stansfeld; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Pet. f. April 4.

**JOHN DAWSON**, West Cowes, Isle of Wight, cattle salesman, April 19 at half-past 11, and May 17 at 2, London: Off. Ass. Bell; Sols. Sharpe & Co., Southampton; Trinder & Eyre, John-street, Bedford-row.—Pet. f. April 4.

**WILLIAM ATTACK**, late of Chesham, Buckinghamshire, but now of Canning-town, Plaistow Marshes, Essex, dealer and chapman, April 20 at half-past 2, and May 22 at 12, London: Off. Ass. Edwards; Sols. Woolls, Uxbridge; Paterson, 7, Bouverie-street, Fleet-street.—Pet. f. April 3.

**JOHN ROLLASON and JACOB STANLEY LISTER**, Moxley Ironworks, near Bilston, Staffordshire, dealers and chapmen, (carrying on business under the style or firm of Rollason & Lister), April 26 and May 17 at 11, Birmingham: Off. Ass. Bittleston; Sol. Hayes, Wolverhampton.—Pet. d. March 31.

**JAMES MINERS**, Redruth, Cornwall, grocer, April 18 and May 11 at 1, Exeter: Off. Ass. Hirtzel; Sols. Peter, Redruth; Stogdon, Exeter.—Pet. f. April 9.

**JOSEPH LAISTER**, Sheffield, dealer and chapman, April 28 and May 26 at 10, Sheffield: Off. Ass. Brewin; Sol. Ryalls, Sheffield.—Pet. d. March 27.

**GEORGE MILNES**, Sheffield, brick maker, April 28 and May 26 at 10, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Pet. d. March 26.

**JEREMIAH NEW**, Sheffield, saw manufacturer, April 28 and May 26 at 10, Sheffield: Off. Ass. Brewin; Sol. Unwin, Sheffield.—Pet. d. April 7.

**GEORGE WILLIAMSON**, Rochdale, dealer and chapman, April 23 and May 9 at 12, Manchester: Off. Ass. Pott; Sol. Heaton, Rochdale.—Pet. f. April 5.

**GEORGE RICH**, Leigh, Lancashire, dealer and chapman, April 23 and May 14 at 12, Manchester: Off. Ass. Fraser; Sols. Cooper & Sons, Manchester.—Pet. f. March 31.

**MATTHEW RICHMOND STEELE**, Leicester, dealer and chapman, April 24 and May 22 at 10, Nottingham: Off. Ass. Harris; Sols. Miles & Gregory, Leicester; Hodgson, Birmingham.—Pet. d. April 7.

**SYLVESTER LEWIS SAMUEL**, Liverpool, watch manufacturer, April 25 and May 16 at 11, Liverpool: Off. Ass. Morgan; Sols. Littledale & Bardwell, Liverpool.—Pet. f. April 7.

#### MEETINGS.

*Wm. Paton*, Bread-street, warehouseman, April 21 at 2, London, pr. d.—*Henry Savill*, Colchester, grocer, April 20 at half-past 1, London, aud. ac.—*John G. Hodges*, Bull's Head-court, Newgate-street, warehouseman, April 20 at 11, London, aud. ac.—*George B. Medley*, Highbury-park North, Islington, and Great Tower-street, underwriter, April 20 at half-past 12, London, aud. ac.—*George Bumpsstead*, Great Yarmouth, grocer, April 27 at 12, London, aud. ac.—*Henry Paine*, Strand and Charing-cross, tailor, April 23 at 12, London, aud. ac.—*W. R. Schwanke*, Union-court, Old Broad-st., commission merchant, April 27 at 11, London, aud. ac.—*James Turner*, Hedge-row, High-street, Islington, draper, April 27 at half-past 2, London, aud. ac.—*Alfred Spence*, Chilworth, near Guildford, paper manufacturer, April 26 at 11, London, aud. ac.—*Robert Daniel*, Victoria Wharf, Union-place, Piccolo, stone merchant, April 26 at 12, London, aud. ac.—*Alexander Kirkaldy*, St. Mary-at-Hill, Tower-street, letter-press printer, April 26 at 11, London, aud. ac.—*John Buchanan*, Moorgate-street, upholsterer, April 26 at 12, London, aud. ac.; May 3 at 2, div.—*Benjamin N. Dodd*, Hetton-le-Hole, Durham, grocer, April 24 at 1, Newcastle-upon-Tyne, aud. ac.—*W. Wilson*, Newcastle-upon-Tyne, scrivener, April 24 at half-past 11, Newcastle-upon-Tyne, aud. ac.—*Ralph Hutchinson*, Monkwearmouth Shore, Durham, ship-builder, April 24 at 12, Newcastle-upon-Tyne, aud. ac.—*James Worrall*, Bolton and Manchester, April 24 at 12, Manchester, aud. ac.—*Thomas B. King*, York, manufacturer of paperhangings, April 26 at 11, Leeds, aud. ac.—*Frederick Coker*, Hackney-road, stationer, May 2 at 11, London, div.—*Richard F. Kennedy*, West Cowes, Isle of Wight, chemist, May 2 at 12, London, div.—*Elizabeth Taylor*, Crooms-hill, Greenwich, licensed victualler, May 3 at 1, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Richard F. Kennedy*, West Cowes, Isle of Wight, chemist, May 2 at 12, London.—*Wm. B. Mitcalfe*, Taunton-place, Regent's-park, dealer in mining shares, May 8 at half-past 1, London.—*Richard Beck*, Blackman-street, Southwark, watchmaker, May 2 at half-past 12, London.—*James Hammond*, Chancery-lane, furniture dealer, May 2 at 12, London.—*Jas. Thornton Cartwright*, Apollo-buildings, East-st., Walworth, timber merchant, May 3 at 12, London.—*Thomas Prichard*, Sidcup, Footscray, Kent, apothecary, May 3 at 2, London.—*Ephraim Watson*, Polstead, Suffolk, shoemaker, May 3 at 1, London.—*William Harrison*, Clyde-terrace, Caledonian-road, Islington, baker, May 3 at 1, London.—*William Renshaw*, Liverpool, brewer, May 3 at 11, Liverpool.—*William Rennie*, *James Johnson*, and *William Rankin*, Liverpool, shipwrights, May 3 at 11, Liverpool.—*John Phillips*, Drimpton, Broadwinor, Dorsetshire, baker, May 2 at 1, Exeter.—*John Clench*, Exeter, and St. Thomas-the-Apostle, Devonshire, timber dealer, May 2 at 1, Exeter.—*Joseph Edwards* and *Edward Edwards*, Truro, Cornwall, jewellers, May 2 at 1, Exeter.—*Richard Brown*, Daw End, Rushall, Staffordshire, limeburner, May 3 at half-past 10, Birmingham.—*Henry Spencer*, Ross, Herefordshire, linendraper, May 7 at half-past 10, Birmingham.—*Joseph Wood* and *James Wood*, Allerton, Bradford, Yorkshire, spinners, May 4 at 11, Leeds.

*To be granted, unless an Appeal be duly entered.*

*George Hammond*, King's-row, Walworth, carpenter.—*Wright Bentley*, Oldham, ironfounder.

#### PETITION DISMISSED.

*Wm. Bickley*, Stoke-upon-Trent, Staffordshire, draper.

#### PARTNERSHIP DISSOLVED.

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## THE JURIST.

LONDON, APRIL 21, 1855.

In our last number we drew attention to some recent cases upon the personal liability of agents to be sued upon contracts in which both the principal and agent are named. We propose now to consider under what circumstances persons, who have described themselves in contracts as *agents* for third persons, may or may not shew themselves to be in fact the *real* principals, and sue as such. The distinction appears to be between cases in which the plaintiff has described himself as agent for an *unnamed* principal, and there is nothing to shew that the defendant contracted on the faith of his being such agent only, and would not have contracted with him as principal if he had known him to be so; and those in which the supposed principal is *named* in the contract. In the former class of cases, the defendant having been unacquainted with the name of the supposed principal, and not having thought it necessary to inquire who he was, it is impossible that he can have been induced to enter into the contract by any reliance on the character, skill, or solvency of the supposed principal; and the mere *possibility* that the defendant may have been contented to contract with any person as principal, provided it was not the plaintiff, and that he may have relied on the contract as indicating that the plaintiff was an agent only, will not prevent the plaintiff from suing as principal; at least, the Courts will not in such a case *assume* that the defendant relied on the plaintiff being an agent only, and would not have contracted with him as principal, in the absence of other evidence to that effect. But where the supposed principal is expressly named in the contract, the defendant has a right to the benefit he may have contemplated from the character, skill, or substance of the supposed principal.

The above appears to be the rule by which the Court were guided in their judgment (delivered by Patteson, J., after time taken to consider) in *Schmalz v. Avery*, (15 Jur., part 1, p. 291; 16 Q. B. 655). There the

plaintiff sued for the breach of a charterparty not under seal, purporting to be made "between the defendant, the owner of the ship, &c., of the one part, and the plaintiff, as agent of the freighter, of the other part," and containing a stipulation that "this charter being concluded on behalf of another party, it is agreed that all responsibility on the part of Schmalz & Co." (the plaintiffs) "cease as soon as the cargo is shipped." It appeared in evidence at the trial that the plaintiff was himself the only party interested as freighter; no objection was taken at the trial to the admissibility of this evidence, but at the close of the plaintiff's case it was objected that he was concluded by the terms of the charterparty, and fixed with the character of agent *only*. Patteson, J., in delivering judgment, said, "It is conceded, that if there had been a third party who was the real freighter, such third party might have sued, although his name was not disclosed in the charterparty." (*Higgins v. Senior*, 8 M. & W. 844; *Skinner v. Stocks*, 4 B. & Al. 437; *Garrett v. Handley*, 4 B. & Cr. 664; *Coshay v. Pennell*, 10 B. & Cr. 671). "But the question is, whether the plaintiff can fill both characters of agent and principal, or rather whether he can repudiate that of agent and adopt that of principal, both characters being referred to in the charterparty, but the name of the principal not being therein mentioned." And after commenting on *Bickerton v. Burrell*, (5 Mau. & S. 383); *Rayner v. Grote*, (15 M. & W. 359); and *Humble v. Hunter*, (12 Q. B. 310; 12 Jur., part 1, p. 1021), proceeded—"A distinction was taken in the argument in the present case, by the defendant's counsel, between an executed and an executory contract; and it was said, that whatever might be the rule in the former class of cases, where the defendant has received the benefit of the contract, and it is probably immaterial to him whom he pays, yet that in the latter class the defendant cannot be held answerable to B., having expressly contracted with A.; and a passage in the judgment of the Court in *Rayner v. Grote* was much relied on, which is this—'If, indeed, the contract had been wholly unperformed, and one which the plaintiff, by merely proving himself to



be the real principal, was seeking to enforce, the question might admit of some doubt. In many cases—such as, for instance, the case of contracts, in which the skill or solvency of the person who is named as the principal may reasonably be considered as a material ingredient in the contract—it is clear that the agent cannot then shew himself to be the real principal, and sue in his own name; and it may be fairly urged that this, in all executory contracts, if wholly unperformed, or if partly performed, without the knowledge of who is the real principal, may be the general rule.' With this passage we entirely agree; but it is clear that it is applicable only to cases where the supposed principal is named in the contract; if he be not named, it is impossible that the other party can have been in any way induced to enter into the contract by any of the reasons suggested. In the present case, the names of the supposed freighters not being inserted, no inducement to enter into the contract, from the supposed solvency of the freighters, can be surmised. Any one who could prove himself to have been the real freighter and principal, whether solvent or not, might most unquestionably have been sued on this charterparty. The defendant cannot have been in any way prejudiced in respect of any supposed reliance on the solvency of the freighter, since the freighter is admitted to have been unknown to him, and he did not think it necessary to inquire who he was. It is, indeed, possible that he may have been contented to take any freighter and principal, provided it was not the present plaintiff; and he may have relied on the terms of the charterparty indicating that the plaintiff was an agent only, being willing to accept of any one else, be he who he might, as principal. After all, therefore, the question is reduced to this—whether we are to assume that the defendant did so rely on the character of the plaintiff as agent only, and would not have contracted with him as principal if he had known him so to be, and are to lay it down as a broad rule, that a person, contracting as agent for an unknown and unnamed principal, is precluded from saying, 'I am myself that principal.' Doubtless his saying so does in some measure contradict the written contract, especially the concluding clause, which says, 'This charterparty being concluded on behalf of another party,' &c.; for there was no such party."

*Rayner v. Grote* and *Bickerton v. Burrell* were both cases in which the supposed principal was expressly named. In *Rayner v. Grote* the plaintiff had made a written contract for the sale of goods to the defendant, in which he described himself as the agent of A., and the defendant had accepted and paid for a portion of the goods, and evidence was given at the trial that the defendant at the time of such acceptance had notice that the plaintiff was the real principal in the transaction, and not the agent of A. Alderson, B., delivering the judgment of the Court, said, "We think that it was properly left to the jury to infer from the evidence, that the defendant, with the full knowledge of the facts, had received a portion of the goods, and that all parties then treated the contract as one made with the plaintiff as the principal in the transaction. . . . The jury must be taken to have found that this contract has been in part performed, and that part performance accepted by the defendant with full knowledge that the plaintiff was not the agent, but the real principal. If so, we think the plaintiff may, after that, very pro-

perly say the defendant cannot refuse to complete that contract."

From the portion of the judgment just stated, and the passage cited therefrom by Patteson, J., in his judgment in *Schmale v. Avery*, it will be seen that the Court inclined to the opinion, that but for the acceptance of part of the goods, with notice that the plaintiff was the real principal, the plaintiff could not have sued; and that the judgment was founded upon the consideration that both parties at the time of the part acceptance treated the contract as one made with the plaintiff as principal, and that what then took place amounted to a new and substituted agreement between the defendant and the plaintiff as principal.

The decision, coupled with the facts of the case, in *Bickerton v. Burrell*, does not support the general proposition stated in the marginal note thereto; nor does it support the proposition for which the case has been frequently cited, that after notice that he is the real principal, a party who has made a contract, describing himself as an agent for a supposed principal named therein, may sue on such contract as principal. The plaintiff had purchased some ground-rents of the defendant by a written contract, in which he described himself as agent of R., and paid a deposit of 120*l.*, for which he took a receipt, in which the money was stated to have been received from the plaintiff as agent for R. The action was, not to enforce the contract for the purchase of the rents, but to recover back the deposit so paid to the defendant; and it was sought to be shewn that the plaintiff was in fact the real principal in the purchase, and that the money was his, and not R.'s; and although a doubt was expressed by Lord Ellenborough, whether, where a person has described himself as agent to another, whom he names, he could afterwards shift his position, and shew himself to be the real principal, his Lordship decided the case on the ground of the want of any notice to the defendant, before action, of the plaintiff's real character. And Bailey, J., expressly held that the plaintiff might, under the circumstances, by giving notice to the defendant of the real nature of the transaction, and tendering him an indemnity against any claim by R. to the money, have entitled himself to sue. And the whole Court decided against the plaintiff's right to sue as principal, on the ground of the want of any previous notice to the defendant. This decision will be found on examination not to conflict with the principle laid down by Patteson, J., in *Schmale v. Avery*. The action was not brought to enforce performance of the executory contract made by the plaintiff as agent for R., but appears, as observed by Alderson, B., in *Rayner v. Grote*, to have been for money had and received, and was, in fact, founded upon a new implied contract arising out of the circumstance that the money received by the defendant was the plaintiff's money; and if the defendant had had notice of the real circumstances, the plaintiff might, consistently with the above principle, have maintained an action on such new implied contract. (See *The Duke of Norfolk v. Worthy*, 1 Camp. 338). The Court, however, thought that the money having been paid by the plaintiff to and received by the defendant as the money of R., and the defendant not having any reason to suppose, or any means of knowing, that the money was in fact the plaintiff's, it would be unjust to the defendant, and he would be unfairly prejudiced, if he were subjected to an action at the suit of the plaintiff without any previous notice of the real facts, so as to enable him to pay or tender the amount without being subjected to the costs of an action. And notwithstanding the doubt expressed by Alderson, B., in *Rayner v. Grote*, whether the case was well decided on that ground, it is apprehended, that upon the sound and reasonable principle that the right of the party really interested to come in and sue, is limited to-

cases in which the defendant will not be unfairly prejudiced thereby, the judgment of the Court was correct, and is in accordance with the rule laid down in *Schmaltz v. Avery* and *Rayner v. Grote*. *Humble v. Hunter* (12 Q. B. 310; 12 Jur., part 1, p. 1021) is a case somewhat analogous, in the principle on which it was decided, to those already commented upon. In that case A., an agent, had executed a charterparty, and described himself therein as "owner" of the ship; and in an action on the charterparty for freight, demurrage, &c., the plaintiff, who was the real owner, sought to give evidence at the trial that she was the owner, and that A. had executed the charterparty as her agent only. The evidence was objected to, but received; and upon motion for a new trial, the Court, referring to *Lucas v. De la Cour*, (1 Mau. & S. 249), held that the plaintiff must be taken to have allowed A. to enter into the contract describing himself as owner, and that she was bound thereby. And per Lord Denman, C. J., "You have a right to the benefit you contemplate from the character, credit, and substance of the party with whom you contract."

The result of the above cases appears to be, that in contracts where the plaintiff has described himself as an agent, but has *not* named his supposed principal, the plaintiff may shew that he is the real principal, and may sue as such on the contract, and this whether it be executed or executory; subject, perhaps, to the defendant shewing affirmatively that he declined to deal with the plaintiff except as an agent only, and would not have dealt with him as principal: and that in such cases parol evidence, that the party describing himself as agent is the real principal, is not inadmissible on the ground that it contradicts the written contract; for inasmuch as the defendant contracted with an *unnamed principal*, he contracted with that principal whoever he might eventually prove to be; and the evidence is not admitted to discharge the plaintiff from any liability he might have incurred as agent, but to enable him to shew who is the party really interested, without any unfair prejudice to the defendant. (See *Higgins v. Senior*, 8 M. & W. 844; and the observations of Patteson, J., upon this point in *Schmaltz v. Avery*). But where a person describes himself as agent for a supposed principal, whom he *names*, he cannot declare himself to be the real principal, and sue as such; for to allow such a course might be to the prejudice of the defendant, who may have relied on the character or skill of the supposed principal; and would also be, in the case of a written contract, to contradict the written agreement by parol evidence. A question may arise whether the plaintiff can sue, where the supposed principal in whose name he contracted is a non-existent and purely fictitious person: in such a case the defendant cannot be supposed to have relied on the character, skill, or credit of the supposed principal, and could, therefore, scarcely be prejudiced by the introduction of the plaintiff as the real principal; but in the case of a *written* contract, it is apprehended that the parol testimony, that the plaintiff was the real principal, would be open to the objection that it tends to contradict the written instrument. It will be observed that a distinction was drawn by Alderson, B., in *Rayner v. Grote*, between executed and executory contracts, in cases in which the supposed principal is *named* in the contract; and he was of opinion, that as in the former it would be immaterial to the defendant whom he paid, the supposed agent might declare himself to be the principal, and sue as such on the executed contract. But it is apprehended that this right must be confined to cases in which the execution of the contract has raised a new implied contract, which entitles the plaintiff to sue thereon for a remuneration, in the nature of a quantum meruit, for the benefit conferred; inasmuch as it is difficult to see how an express contract, which

in its origin, and before execution, was not a contract with the plaintiff as principal, can by its mere execution become a contract with him so as to entitle him to sue on such express contract. In *Humble v. Hunter* the contract appears to have been executed, but the plaintiff had declared on the charterparty itself; and Patteson, J., observed, "The plaintiff here must be taken to have allowed her agent to contract in this form, (i. e. as owner), and must be bound by his act."

#### NOTES OF THE WEEK.

Sir Fitzroy Kelly (pursuant to special appointment last term) on Tuesday moved the Court of Queen's Bench for the renewal of Mr. Barber's certificate. Sir Fitzroy observed that he had been induced to render his assistance in the cause solely from a full conviction of its entire justice; and that after the most minute investigation, he had satisfied himself that the previous difficulties had arisen from the complication of circumstances and an imperfect knowledge of the actual facts. He then reviewed the elaborate judgment of 1860, and contended that the new evidence completely explained away and removed the grounds upon which that judgment was based. The recently discovered private instructions to his solicitor by Sanders (Fletcher's principal confederate in the frauds) was a most remarkable revelation, and threw a flood of light upon points of vital importance to the applicant. A further statement of Mrs. Dorey had also been discovered; and both of these narratives, especially that of Sanders, fully confirmed the statements which years before had been made by Mr. Barber, when he could have had no conception that such a means of testing his veracity could ever be supplied. "I have," said Sir Fitzroy Kelly, "thoroughly analysed and sifted the voluminous documents in this matter, and if it can be shewn that Mr. Barber has in any single instance wilfully made one misstatement, I give up his case." It appeared that Fletcher had for twenty years been more or less actively employed in tracing owners to unclaimed dividends; in some cases helping parties to their rights; but when he could not find the true owners, he and his confederates obtained the fund by personation and forgery. In the sixteen years prior to his introduction to Mr. Barber's office, Fletcher had not only in numerous instances imposed upon solicitors, proctors, brokers, and the Bank officials, but also upon the solicitors and counsel for the Crown. In one instance, where the Bank of England had refused to pay over the money, from an avowed mistrust of the claim, Fletcher had the audacity to file a bill in Chancery; and the story which he fabricated, and supported by false affidavits, so effectually deceived the counsel for the Crown, that they consented to the application without argument, and the Bank, under an order from the Court of Chancery, paid the money—upwards of 4000*l*. At the conclusion of Sir Fitzroy Kelly's argument, which occupied seven hours, the Court said, "We will read all the affidavits, and intimate on a future day whether or not a rule nisi will be granted."

AN INTELLIGENT JURY.—In an action tried at Taunton last week to recover possession of some land, Mr. Justice Crowder, in directing the jury that the plaintiff's case had been clearly proved, spoke of Mr. Sergeant Kinglake, the plaintiff's counsel, as his "Brother Kinglake." The jury, however, had determined upon giving their verdict the other way, and, as a reason for disregarding the summing up of the learned judge, one of them was heard to address a fellow-juror thus—"Didst thee hear the judge call that counsel 'brother'? Dost thee think it is likely he was going to say anything against his own brother?"

## RECENT CASES ON COMMERCIAL LAW.

## 1. TINDALL v. TAYLOR.—2. EDWARD v. TREVELLICK.

In a recent number we offered some comments upon the case of *Gibson v. Sturge*, and we now call attention to a decision of somewhat kindred character, namely, *Tindall v. Taylor*, (1 Jur., N. S., part 1, p. 112). The question involved in it refers to the right of a consignor of goods to demand their redelivery to himself, as against the owner of the ship, after they have been once shipped. Upon the pleadings these facts were admitted:—The defendant had shipped goods on board a vessel about to proceed from London to Port Philip, in Australia, and was to pay freight in advance two months after the vessel should have set sail. After a reasonable time had elapsed for the sailing of the ship, and within a reasonable time before she sailed, he demanded a redelivery of the goods; but before such demand the captain had signed the bills of lading, making the goods deliverable to consignees at Port Philip, one of which bills the defendant had transmitted to the consignees, who, however, were his agents, of which the shipowners had notice at the time of the demand. The action was for the freight for carrying the goods to Port Philip after such demand, and the Court of Queen's Bench decided that it was recoverable under the circumstances. They recognised the doctrine laid down in *Abb. Ship. 595, 596*, 7th ed., that "a merchant who has laden goods cannot insist upon having them relanded, and delivered to him, without paying the freight that might become due for the carriage of them, and indemnifying the master against the consequences of any bill of lading signed by him." In answer to the argument that there could be no lien on the goods for freight not yet earned or due, the Court said, that when the goods were laden to be carried on a voyage, there was a contract that the master should carry them in the ship upon that voyage for freight, and, like other contracts, it could not be dissolved, except by the consent of both parties. It was conceded, however, that, by the usage of trade, the merchant, if he demands the goods in a reasonable time before the ship sails, is entitled to have them delivered back to him on paying the freight that might become due for the carriage of them, and indemnifying the master against the consequences of the bills of lading. The Court did not decide the question, whether wilful and unjustifiable delay in commencing the voyage would entitle the consignor to rescind the contract, or only entitle him to a cross action. With regard to the consignees being mere agents of the consignor, the Court said, that as such agents they might have had authority to indorse the bill of lading to a purchaser of the goods, who, as assignee of the bill of lading for valuable consideration, would have become proprietor of the goods, and entitled to demand them from the master. Although an action of contract could not have been maintained by the indorsee, (*Thompson v. Dornay*, 14 M. & W. 403), yet he might sue the master for detaining or converting them, and the latter would be estopped by his declaration in the bill of lading from denying that he had the goods. Besides a contingent power of sale, the consignees, as the Court observed, under the Factors Act, 5 & 6 Vict. c. 39, s. 1, though only agents, would have had a right to pledge the goods, and to indorse the bill of lading to the pawnee, who would have a remedy against the master.

The Court saw no objection to the goods having been carried all the distance to Port Philip after they had been demanded back, saying it had not been suggested what the master ought to have done with them if he did not deliver them back when demanded, and that the contract remained in full force.

We may here notice the case of *Edward v. Trevel-*

*lick*, (1 Jur., N. S., part 1, p. 110), which was an action by a seaman for his wages. The defence was, that the plaintiff had engaged to serve on board a British merchant ship from Liverpool to San Francisco, and that he deserted after the passing of the stat. 7 & 8 Vict. c. 112, which makes desertion from such ships a penal offence. The plaintiff replied, that the captain and officers flogged him with unreasonable cruelty and severity, although he had not been guilty of mutinous or improper conduct, and in order to escape from such cruelty he deserted. This replication was held good on demurrer, as setting forth facts which showed that the plaintiff had not "deserted," within the technical meaning of that word. The Court adopted this as a test—whether on these facts the plaintiff could have been found guilty of the offence of desertion? Erle, J., in answer to the argument that there ought to have been such misconduct of the captain as endangered the plaintiff's life or limbs, said—"There is no law which obliges a sailor to remain in the ship, and submit to any treatment short of danger to his life." In the course of the argument his Lordship also said—"The contract between master and servant is for the mutual performance of a series of acts; and if an act is done by one party which breaks his part of the contract, it entitles the other party to consider the contract broken, and to put an end to it."

A second replication stated these facts—that the plaintiff was a negro; that negroes were bought and sold as slaves in divers of the United States; that the captain threatened to sell the plaintiff as a slave to certain citizens of the United States; that San Francisco is situated in one of them; and the plaintiff having just and reasonable grounds for believing that the threat would be carried into execution, and in order to prevent it, deserted. This replication was held to be bad, upon the ground that it did not shew that the place where the threat of the captain to sell the plaintiff was to take effect was one where slaves could be bought and sold.

## Correspondence.

## A COURT-HOUSE IN UPPER CANADA.

TO THE EDITOR OF "THE JURIST."

SIR,—The following extract is taken from an account lately sent by a correspondent of a highly respectable paper, and may, I believe, be relied upon for its accuracy. It will doubtless amuse some among your readers:—

"The Division or County Courts in Upper Canada were established some few years ago for the trial of civil causes in which the amounts at issue do not exceed the sum of 25*l*. They are presided over by a barrister, who is also chairman of the quarter sessions, and generally termed judge, and who makes the circuit of the different townships in which the courts are held about once in every two months. . . . The cases are decided in a manner truly patriarchal: the judge hears the evidence, and gives his judgment accordingly; and as this decision is guided more by justice than by the strict letter of the law, and the cost is very trifling, the parties generally return to their homes perfectly satisfied.

"A short time ago I accompanied a young barrister, who was about to plead a cause before one of these courts in one of the remotest parts of the county of Limcoe. . . . The apartment in which the court was held had been principal room in a log shanty, and had been divided along one side by a strong wooden bar, to keep the crowd at a respectful distance from the judge and the bar. . . . The judge availed himself on this

occasion of a power which he possesses, of summoning a jury of five to take the responsibility of the decision off his shoulders.

"The jury having stowed themselves in a corner of the room, the plaintiff, an artful fellow, commenced pleading his own cause, and after cross-examination of witnesses and a little perjury, my friend replied in a most powerful speech, demolishing his adversary in a manner which established his fame in that region. When the case was closed, a difficulty presented itself in the fact of there being no room to which the jury could retire to consult upon their verdict. The judge, however, soon arranged this, by telling the jury to betake themselves to some quiet spot out of doors, charging them on their honour not to speak to any one until their return. The jury accordingly went out, and after looking about them, they with one consent, and with wonderful foresight and sagacity, betook themselves to the orchard, and squatted down under an apple tree, to combine mastication with argument. In about the time required to eat half-a-dozen apples a-piece and to cram their pockets, they returned, and, as was fully expected, gave a verdict for the defendant. "The crest-fallen plaintiff applied for a new trial, and vowed that next time he would not be beaten for want of a lawyer."

I am, Sir,  
YOUR CONSTANT READER.

Temple, February, 1855.

TO THE EDITOR OF "THE JURIST."

SIR,—With reference to the article which appeared in a recent number of THE JURIST, (ante, p. 104), I beg to offer the following suggestion:—Let special jurors be summoned to try, not merely questions of pounds, shillings, and pence, but the more vital ones which affect the life of individuals and the safety of the public; or let a verdict returned by a majority of eight of the jury, and sanctioned by the judge, be equivalent to an unanimous finding. There is no practical difficulty. The judge might deliver to the officer of the court a sealed paper containing his opinion: if the jury are unanimous, let it be destroyed unopened; if not, let the verdict of eight jurymen, coinciding with that of the judge, be a legal finding; if the judge and the eight jurymen disagree, let them be discharged.

Yours truly,  
W. J. A.

**ECCENTRICITIES OF THE BAR.**—During the late Somerset Sessions, held at Wells, a young woman was indicted for stealing a 10*l.* bank-note, the property of a clergyman, in whose service she had been living. Mr. L., solicitor for the defence, had prepared a brief, which he had given to Mr. C., barrister; but the learned counsel was suddenly called to the Cornwall Assizes; he therefore handed his brief over to Mr. P., the brief being indorsed, "For the prisoner." When the case was called, however, Mr. P. opened the case for the prosecution, and proceeded to examine the witnesses with all the vigour of forensic skill, in order to insure a conviction. The Court then asked the prisoner if she had any one to defend her. "Oh, yes," she said; "Mr. L." But Mr. L.'s brief was in Mr. P.'s hands, who was prosecuting. What was to be done? The learned counsel, in some confusion, amid general laughter, looked at his brief, and found he had been making every effort to procure the conviction of the prisoner he was engaged to defend. His self-possession, however, never left him, and after apologising to the Court, he "hammered" into the jury such a plausible defence, begging they would take no notice of what he had been saying before, that at the end of the case the jury acquitted the prisoner.

## Court Papers.

### EQUITY SITTINGS, EASTER TERM, 1855.

#### Court of Chancery.

Before the LORD CHANCELLOR, at Westminster.

Monday ... April 16 Appeal Motions and Appeals.

At Lincoln's Inn.

Tuesday ..... 17 Petitions and Appeals.

Wednesday ..... 18

Thursday ..... 19

Friday ..... 20

Saturday ..... 21

Monday ..... 23

Tuesday ..... 24

Wednesday ..... 25

Thursday ..... 26

Friday ..... 27

Saturday ..... 28

Monday ..... 30

Tuesday .... May 1

Wednesday ..... 2

Thursday ..... 3

Friday ..... 4

Saturday ..... 5

Monday ..... 7

Tuesday ..... 8

Notice.—Such days as his Lordship is engaged in hearing Appeals in the House of Lords excepted.

Before the LORDS JUSTICES, at Westminster.

Monday ... April 16 Appeal Motions.

At Lincoln's Inn.

Tuesday ..... 17

Wednesday ..... 18

Thursday ..... 19

Friday ..... 20

Saturday ..... 21

Monday ..... 23

Tuesday ..... 24

Wednesday ..... 25

Thursday ..... 26

Friday ..... 27

Saturday ..... 28

Monday ..... 30

Tuesday .... May 1

Wednesday ..... 2

Thursday ..... 3

Friday ..... 4

Saturday ..... 5

Monday ..... 7

Tuesday ..... 8

Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.

Monday ... April 16 Motions.

At Chancery-lane.

Tuesday ..... 17

Wednesday ..... 18

Thursday ..... 19

Friday ..... 20

Saturday ..... 21

Monday ..... 23

Tuesday ..... 24

Wednesday ..... 25

Thursday ..... 26

Friday ..... 27

Saturday ..... 28

Monday ..... 30

Tuesday .... May 1

Wednesday ..... 2

Thursday ..... 3

Friday ..... 4

Saturday ..... 5

Monday..... 7 General Petition-day.  
Tuesday..... 8 Motions.

N.B.—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims every Saturday. The Unopposed Petitions to be taken first.

Notice.—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Westminster.*

Monday ... April 16 Motions.

*At Lincoln's Inn.*

Tuesday..... 17 } Pleas, Demurrers, Causes, Claims,  
Wednesday..... 18 } Further Directions, and Exceptions.  
Thursday..... 19 }  
Friday..... 20 } Petitions (unopposed first).  
Saturday..... 21 } Short Causes, Short Claims, & Causes.  
Monday..... 23 } Motions and General Paper.  
Tuesday..... 24 } Pleas, Demurrers, Causes, Claims,  
Wednesday..... 25 } Further Directions, and Exceptions.  
Thursday..... 26 }  
Friday..... 27 } Petitions (unopposed first).  
Saturday..... 28 } Short Causes, Short Claims, & Causes.  
Monday..... 30 } Motions and General Paper.  
Tuesday ... May 1 } Pleas, Demurrers, Causes, Claims,  
Wednesday..... 2 } Further Directions, and Exceptions.  
Thursday..... 3 }  
Friday..... 4 } Petitions (unopposed first).  
Saturday..... 5 } Short Causes, Short Claims, & Causes.  
Monday..... 7 } Pleas, Demurrers, Causes, Claims,  
Tuesday..... 8 } Further Directions, and Exceptions.  
Tuesday..... 8 } Motions and General Paper.

N. B.—Petitions will be heard on Petition-days only.

*Before Vice-Chancellor Sir J. STUART, at Westminster.*

Monday ... April 16 Motions.

*At Lincoln's Inn.*

Tuesday..... 17 } Pleas, Demurrers, Exceptions, Causes,  
Wednesday..... 18 } Claims, and Further Directions.  
Thursday..... 19 }  
Friday..... 20 } Petitions and General Paper.  
Saturday..... 21 } Short Causes and Claims, and General  
Monday..... 23 } Paper.  
Tuesday..... 24 } Motions and General Paper.  
Wednesday..... 25 } Pleas, Demurrers, Exceptions, Causes,  
Thursday..... 26 } Claims, and Further Directions.  
Friday..... 27 } Petitions and General Paper.  
Saturday..... 28 } Short Causes and Claims, and General  
Monday..... 30 } Paper.  
Tuesday ... May 1 } Motions and General Paper.  
Wednesday..... 2 } Pleas, Demurrers, Exceptions, Causes,  
Thursday..... 3 } Claims, and Further Directions.  
Friday..... 4 } Petitions and General Paper.  
Saturday..... 5 } Short Causes and Claims, and General  
Monday..... 7 } Paper.  
Tuesday..... 8 } Pleas, Demurrers, Exceptions, Causes,  
Tuesday..... 8 } Claims, and Further Directions.  
Tuesday..... 8 } Motions.

*Before Vice-Chancellor Sir W. P. WOOD, at Westminster.*

Monday ... April 16 Motions.

*At Lincoln's Inn.*

Tuesday..... 17 } Pleas, Demurrers, Exceptions, Causes,  
Wednesday..... 18 } Claims, and Further Directions.  
Thursday..... 19 }  
Friday..... 20 } Petitions, Short Causes and Claims,  
Saturday..... 21 } and General Paper.  
Monday..... 23 } Motions and General Paper.  
Tuesday..... 24 }  
Wednesday..... 25 } Pleas, Demurrers, Exceptions, Causes,  
Thursday..... 26 } Claims, and Further Directions.  
Friday..... 27 }

Saturday..... 28 } Petitions, Short Causes and Claims,  
Monday..... 30 } and General Paper.  
Tuesday..... May 1 } Motions and General Paper.

Wednesday..... 2 } Pleas, Demurrers, Exceptions, Causes,  
Thursday..... 3 } Claims, and Further Directions.  
Friday..... 4 }

Saturday..... 5 } Petitions, Short Causes and Claims,  
Monday..... 7 } and General Paper.

Tuesday..... 8 } Pleas, Demurrers, Exceptions, Causes,  
Tuesday..... 8 } Claims, and Further Directions.  
Tuesday..... 8 } Motions and General Paper.

## EQUITY CAUSE LISTS, EASTER TERM, 1855.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*Sh.* Short.

## Court of Chancery.

*Before the LORD CHANCELLOR.*

Walters v. Northern Coal- } Incorporated Society for Pro-  
mining Co. (Part heard) } moting the Enlargement,  
Maynell v. Surtees } Building, and Repairing of  
Meynell v. Surtees } Churches and Chapels v.  
Jenkinson v. Harcourt } Coles.

*Before the LORDS JUSTICES.*

## APPEALS.

Myers v. United Guarantee } Pomfret v. Perring  
Life Assurance Co. } Nash v. Hodgson  
United Guarantee and Life } Pennell v. Smith  
Assurance Co. v. Cleland } Lancashire Assurance Co. v.  
Tench v. Cheese (5) } Reddiah  
Rooth v. Tomlinson (2) April } Collinge v. Knight (4)  
21 } Gore v. Bowser (3)  
Rooth v. Tomlinson (2) April } Butt v. Monteaux  
21 } Hawkins v. Gardiner  
Goold v. Playsted } Salter v. Adey  
Dunne v. Dunne } Meek v. Ridler  
Dunne v. Dunne } Broughton v. Broughton (6)  
Stanger v. Wilkins } Kensington v. Bouverie (Re-  
Morison v. Morison (13) } hearing and M)  
Nickels v. Hancock } Rogers v. Rogers  
Hughes v. Paramore (5) } Ware v. Watson (2)  
Lomax v. Ripley } Wheatley v. Bastow (2).  
Rayne v. Ripley }

*Before the Right Hon. the MASTER OF THE ROLLS.*

## CAUSES, &c.

Ware v. Cumberlege (Further } Official Managers of the New-  
consideration, and on me- } castle, Shields, and Sunder-  
moranandum to vary certi- } land Banking Co. v. Hymers  
ficate, part heard) } (Cause)  
Corser v. Orrett (D) } Watson v. Cleaver (Cause)  
Horlock v. Wilson } (Cause) } Hughes v. Empson (M for  
Horlock v. Sawyer } for re- } decree)  
Horlock v. Wilson } hear.) } Orrett v. Corser (M for dec.)  
Horlock v. Wilson (Cause) } Morgan v. Morgan (3) (F D,  
Horlock v. Horlock (Cause) } C)  
Griffiths v. Owens (M for dec.) } Gregory v. Sturgis (Cl)  
Summers v. Alder (Cause) } Lewis v. Duncombe (Cause)  
Drax v. Barton (M for decree) } Hobman v. Clark (Cause)  
Gouldin v. Howell (Cause) } Chambers v. Elliott (M for de-  
Clark v. Fenwick (Cause) } cree)  
Forshaw v. Higginson (M for } Armstrong v. Burnett (M for  
decree) April 30 } decree)  
Lancaster v. Darlington (Cau.) } Bayne v. Crother (2) (Cause)  
April 30 } Att.-Gen. v. Love (M for de-  
Yonge v. Furse (M for decree) } cree)  
Armstrong v. Armstrong (M } Denning v. Ware (M for decree)  
for decree) } Furber v. Cannan (M for dec.)  
Marlow v. Warwick (Cause) } Spyer v. Hyatt (Cl)

- Clark v. Bailey (Cl)  
 Wood v. Boucher (F D, C) SA  
 Jones v. Battye (Cl)  
 Att.-Gen. v. Hilton (M for decree)  
 Searles v. Toulmin (Cl)  
 Att.-Gen. v. Boucherett (Cau.)  
 Hughes v. Key (Cause)  
 Atkinson v. Bently (M for decree)  
 Mills v. Brown (Further consideration)  
 Sich v. Catt (M for decree)  
 Simons v. Leaman (Cause) SA  
 Lord Kensington v. Bouverie (Further consideration)  
 Capel v. Sharpnel (Further consideration)  
 Crump v. Jones (Cl)  
 Hutchinson v. Waltar (M for decree)  
 Miller v. Bond (M for decree)  
 Hurst v. Padwick (M for dec.)  
 Mayne v. Mayne (Cause)  
 Dolman v. Nokes (Cause)  
 Gibson v. Holmes (Cause)  
 Shelford v. Kane (Cause)  
 Morland v. Isaacs (Cause)  
 Barnes v. Carter (Cl)  
 London and South-western Railway Co. v. Humphrey (Cause)  
 Aubert v. Aubert (Cause)  
 Taylor v. Portington (M for decree)  
 Lawley v. King (M for decree)  
 Lewarne v. Collins (Cause)  
 Wood v. Wood (Cl)  
 Marryatt v. Marryatt (M for decree)  
 Moseley v. Glen (M for decree)  
 Sealy v. Waugh (M for decree)  
 Chester v. Brown (Cause)  
 Shew v. Marsh (M for decree)  
 Pennill v. Miller (Cause)  
 Ball v. Freeman (Cause)  
 Baynard v. Woolley (M for decree)  
 Wearing v. Baynard (Cau.)  
 Aspland v. Watte (Cause)  
 Price v. Hamblet  
 Same v. Same } (Cause)  
 Banny v. Bunny } (M for decree)  
 Same v. Chalk }  
 Perkins v. Lees (Cause)  
 Remnant v. Lessell (Cause)  
 Brumbridge v. Burton (M for decree)  
 Essex v. Essex (Cause)  
 Mortimer v. Fisher (Cause)  
 Mayberry v. Miller (Cl)  
 Riley v. Dickenson (M for decree)  
 Basham v. Smith (Cause)  
 Ingle v. Edgar (M for decree)  
 Webb v. Solomon (M for dec.)  
 Rabbeth v. Forman (Cause)  
 Bennett v. Powell (Cause)  
 Thompson v. Armitage (Cau.)  
 Joy v. Joy (M for decree)  
 Jennings v. Christopher (Ca.)  
 Houshaw v. Fletcher (M for decree)  
 Thwaites v. Mercer (M for decree)  
 Preston v. Preston (Cl)  
 Hoffman v. Smith (Cause)  
 Hopkinson v. Carter (Cl)  
 Cobbit v. Brock (Cause)  
 Fletcher v. Holland (M for decree)
- Grist v. Bush (M for decree)  
 Hatch v. Skelton (M for dec.)  
 Jervaise v. Jervaise (Cause)  
 Ferraby v. Commercial Credit Mutual Assurance Society (Cause)  
 Stephens v. Gadaden (M for decree)  
 Pickford v. Brown (M for dec.)  
 Littlejohns v. Household (Ca.)  
 Sharp v. Cosserat (Cause)  
 Fry v. Noble (M for decree)  
 Lane v. Jackson (Cause)  
 Bullivant v. Pope (Cause)  
 Wray v. Medworth (M for decree)  
 Monypenny v. Baker (Cause)  
 Scott v. Roberts (Cause)  
 Bankart v. Kirkhouse (M for decree)  
 Worthington v. Davenport (M for decree)  
 Rackham v. Gilbert (Cause)  
 Morgan v. Thomas (Cause)  
 Clapham v. Manby (M for decree)  
 Smith v. Bakes (Cause)  
 Bayldon v. Milner (M for decree)  
 Henry v. Thornton (Cause)  
 Mountain v. Sowden (Cause)  
 Philipott v. President and Governors of St. George's Hospital (M for decree)  
 Smith v. Smith (M for decree)  
 Daniel v. Fussell (M for dec.)  
 Scott v. Jackman (Cl)  
 Young v. Ward (Cl)  
 Earl of Craven v. Ure (M for decree)  
 Smith v. Boncey (Cl)  
 Hope v. Liddell (Cause)  
 Jeffery v. Jeffery (M for dec.)  
 Webster v. Bean (Cause)  
 Bean v. Webster (Cause)  
 Watts v. Cazenove (Cl)  
 Scruton v. Ford (Cl)  
 Lowe v. Cresswell (Cause)  
 Hall v. Clive (Cause)  
 Fell v. Norman (M for decree)  
 Bourne v. Shaw (Cause)  
 Tweddell v. Rogerson (M for decree)  
 Fitzgerald v. Morgan (Cause)  
 Clark v. Gill (M for decree)  
 Ogden v. Ogden (Cause)  
 Clements v. Hall (M for dec.)  
 Rolton v. Barrow (Cause)  
 Sanders v. Weir (Cause)  
 Bunny v. Hopkinson (Cause)  
 Goodfellow v. Rider (M for decree)  
 Marryat v. Marryat (Cause)  
 Richardson v. Heald (Cause)  
 Chodwick v. Vickerman (M for decree)  
 Ross v. Ross (M for decree)  
 Williams v. Close (Cause)  
 Roberts v. Goldney (Cause)  
 De la Cour v. Gilbert (Cl) SA  
 Young v. Ogden (Cl)  
 Phillips v. Lewis (Further consideration)  
 Johnson v. Cobb (F D, C)  
 Page v. Allaway (Cl)  
 Att.-Gen. v. Miller (2) (F D, C)  
 Reed v. Lockwood (Cl) SA  
 Cooper v. Cooper (M for dec.)  
 Penhall v. Allen (Further consideration)
- Summerfield v. Prichard (Further consideration)  
 Duerden v. Lancaster (Cause)  
 Moyle v. Carter (Cl)  
 M'Coy v. Nicholson (Further consideration) SA  
 In re the Estate of } (Adj.  
 Henry Bevan, de- } from  
 ceased } cham-  
 Sullivan v. Bevan } bers  
 Clutnam v. Evans (M for dec.)
- Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.*  
 CAUSES, &c.
- Gough v. Lewis } (Cause, pt.  
 Gough v. Lewis } heard)  
 Beeching v. Lloyd (D)  
 Darvell v. Roper (M for dec.)  
 Lord v. Colvin (Cause)  
 Colvin v. Lord (Cause)  
 Maybery v. Brooking (Rel.)  
 Pollard v. Doyle (2) (Cause, Ptn)  
 Thornber v. Wilson (Cause)  
 Tomson v. Judge (Cause)  
 Pennell v. Hume (Cause)  
 Rogers v. Hooper (Cause)  
 Henderson v. Cook (Cause)  
 Tennant v. Parker (Cause)  
 Rumball v. Poole (2) (F D, C)  
 Williams v. Hughes (Cause)  
 Elder v. Maclean (3) (E, F D, C, Ptn)  
 Kent v. Porter (Cause)  
 Greenwood v. Taylor (5) (E, F D, C)  
 Thompson v. Jevcs (Cause)  
 Hitchman v. Stewart (Further consideration)  
 Evans v. Kinsey (Cause)  
 Bowles v. Field (Cause)  
 Garner v. Moore (Cause)  
 Boughen v. Farrer (Sp. case)  
 Ramsden v. Hirst (M for dec.)  
 Harley v. Moon (Further consideration)  
 Monro v. Proctor (F D, C)  
 Lason v. Allen (Cause)  
 Berry v. Charnock (M for decree)  
 Dolman v. Curling (Cause)  
 Ashcroft v. Powell (3) (Cause)  
 Patch v. Graves (M for dec.)  
 Stephenson v. Popple (2) (Ca.)  
 Welsh v. Coles (F D, C)  
 Dickenson v. Peacock (Further consideration)  
 Smith v. Banbury (F D, C, Ptn)  
 Attorney-Gen. v. Drapers Co. (Cause)  
 Dresser v. Hoare (M for dec.)  
 Wiles v. Gresham (Further consideration)  
 Banks v. Braithwaite (F D, C)  
 Att.-Gen. v. Baines (F D, C)  
 Pogson v. Burton (F D, C)  
 Adlington v. Chippendale (Further consideration)  
 Fletcher v. Moore (Supplem. cause)  
 Weston v. Hobson (F D, C)  
 Jones v. Lodge (4) (F D, C)  
 Carter v. Sanders (Further consideration)  
 Eckford v. Roome (F D, C)  
 Shelley v. Clarke (F D, C)  
 Miller v. Pridden (Further consideration)
- Fagge v. Sandys (M for dec.)  
 Whittingtall v. Field (Further consideration)  
 Christ's Hospital v. Grange (F D, C, Ptn)  
 Pattenden v. Hobson (2) (Further consideration)  
 Earl of Haddington v. Crow (F D, C)  
 Seabrook v. Halden (F D, C)  
 Smedley v. Potter } (Cause)  
 Shelton v. Potter }  
 Hope v. Hope (Special case)  
 Fryer v. Rogers (2) (Further consideration)  
 Olney v. Bates (Further consideration)  
 Atherton v. Mather (Cl)  
 Burton v. Roberts (F D, C)  
 Elkington v. Aplin (2) (F D, C)  
 Neely v. Lyall (Further case)  
 Leonard v. Shackles (F D, C)  
 Alcock v. Kempson (3) (F D, C)  
 Church v. Marryat (Cause)  
 Deacon v. Colquhoun (Further consideration)  
 Johnson v. Tucker (Further consideration)  
 Wayne v. Lewis (2) (E, F D, C)  
 Barrett v. White (3) (F D, C)  
 Coupland v. Coupland (M for decree)  
 Jenkyn v. Vaughan (Cause)  
 Goodall v. Skerratt (Further consideration)  
 Andrews v. Pugh (Cause)  
 Paulet v. Jackson (2) (F D, C)  
 Clavering v. Ellison (Cause)  
 Jordan v. Frost (M for decree)  
 Smith v. Foster (Cause)  
 Thomas v. Chapman (Cl) SA  
 Taylor v. Taylor (M for dec.)  
 Durning v. Mather (Cl) SA  
 Ross v. Ernest (Cl) SA  
 Petchy v. Fox (Further consideration) SA  
 Garner v. Moore (Subsequent F D, C)  
 Cannon v. Deed (Further consideration)  
 Newman v. Cook (Cl)  
 Deeks v. Stanhope (4) (Cause)  
 Conquest v. Graham (M for decree)  
 Bunney v. Turner (Cause)  
 Beavers v. Beavers (F D, C)  
 Woodhouse v. Slater (Cl)  
 Ross v. Raven (Cause)  
 Fallows v. Lowe (M for decree)  
 Wilton v. Colvin (Special case)  
 Melling v. Leak (Cl)  
 Harrison v. Guest (Cause)

Hudson v. Buxton (Cause)  
Milnes v. Aked (M for decree)

Willoughby v. Sanders (M for decree).

*Before Vice-Chancellor Sir J. STUART.*

PLEAS, DEMURRERS, CAUSES, &c.

Chapman v. Great Northern Railway Co.  
Goode v. Hollier (Cause)  
Marquis of Londonderry v. Earl Vane (M for decree)  
Ince v. Ince (Cause)  
Evans v. Brown (Cause)  
Bishop v. Webb (M for decree)  
M'Inoch v. Great Western Railway Co. (Cause)  
Lett v. Dormer (Sup. cause)  
Lett v. Randall (5) (Further consideration)  
Stansfeld v. Micklethwait (Cl)  
Emmott v. Emmott (3) (E, F D, C)  
Emmott v. Emmott (3) (E of defendant Emmott)  
Seaton v. Robertson (M for decree)  
Mirehouse v. Herbert (Cause)  
Parker v. Clarke (Cause)  
Wilshire v. Norfolk Railway Co. (Cause)  
Scales v. Maude (Cause)  
Mortimer v. Mortimer (E, F D, C)  
Hunt v. Dorsett (M for dec.)  
De Balinhard v. Ballock (Fur. lock)  
Same v. Halford (Ptn.)  
De Balinhard v. Maratt (M for decree)  
Twynam v. Hudson (M for decree)  
Twynam v. Hudson (M for decree)  
Campbell v. Hooper (Cause)  
Simpson v. Chapman (Further consideration, M)  
Kent v. Rodham (Cause)  
Pullen v. Morgan (Cause)  
Acklam v. Acklam (M for decree)

Cook v. Cooke (M for decree)  
Richmond v. Hutchinson (M for decree)  
Mortimer v. Mortimer (E)  
Ward v. Bassett (5) (E, F D, C)  
Jones v. Rose (F D, C)  
Reeves v. Vovvas (M for decree)  
Arbuckle v. Butler (Cause)  
Timms v. Watson (Further consideration)  
Collyer v. Ashburner (4) (2nd, F D, C)  
Dowley v. Munday (Cause) SA  
Pitt v. Hooper (Cl)  
Beames v. Smith (2) (Further consideration)  
In re Canning (Furth. cons. on summons from chamb.)  
Wallis v. Bell (Furth. cons. on summons from chamb.)  
Baker v. Cleeve (M for decree)  
Eads v. Williams (Further consideration)  
Clare v. Clare (3) (F D, C)  
Crompton v. Huber (Further consideration)  
Smith v. Angier (Further consideration)  
Milsom v. Harvey (F D, C)  
Chapman v. Winch (M for decree)  
Iveson v. Hansley (F D, C)  
Champney v. Vowles (F D, C)  
Rhodes v. Rhodes (2) (F D, C)  
Boston v. Richardson (Cl) SA  
Lambkin v. Cook (Cl)  
Plaisto v. Goodeve (Cause)  
Blaker v. Harmer (Cause)  
Bensusan v. Nehemias (2) (E)  
Bennett v. Jones (M for dec.)  
Tardrew v. Howell (3) (F D, C)  
Snow v. Dun (F D, C).

Shaw v. Farrer (Cause)  
Newton v. Dimes (M for dec.)  
In re Lindfield (Further consideration)  
Horton v. Lindfield (Further consideration)  
Cooper v. Cooper (Sp. case)  
Jossame v. Wade (Further consideration)  
Smith v. Hurlbutt (Further consideration)  
Silliborne v. Newport (2) (Further consideration)  
Rider v. Wood (Special case)  
Bond v. England (Sp. case)  
Lloyd v. Holme (Special case)  
Last v. Goldsmith (F D, C)  
Dipple v. Smart (F D, C)  
Rhodes v. Beart (F D, C)  
Smith v. Tite (F D, C)  
Chandler v. Mate (F D, C)  
Lechmere v. Curtler (Sp. case)  
In re Archbold (Summ. for Dunn v. Bowness furth. cons.)  
Perry v. Turpin (Cause)  
Garney v. Hourston (Further consideration)  
Balls v. Perry (M for decree)  
Potter v. Jenkinson (Cause)  
Stothard v. Cooper (Further consideration)  
Stothard v. Cooper (Cause)  
Barrow v. Barrow (M for decree)  
Williamson v. Tomkins (Cau.)  
Penny v. Avison (M for dec.)  
Harris v. Bell (Cause)  
Smith v. Poyser (M for dec.)  
Lake v. Russell (Cause)  
Johnes v. Cox (Cl)  
Legge v. Edmunds (Cause)  
In re Owen (Further consideration)  
Sibley v. Owen (Further consideration)  
Dunning v. Owen (Further consideration)  
King v. King (Further cons.)  
Tweedale v. Johnson (F D, C)  
Tweedale v. Johnson (Supp. cause)  
Gibson v. Jones (M for dec.)  
Ross v. Veal (M for decree)  
Woodroffe v. Riles (M for decree)  
Patrick v. Battams (Cause)  
Clarke v. Zotti (Further cons.)  
Morley v. Mendham (M for decree)  
Baker v. Baker (Cause)  
Tyler v. Evans (4) (F D, C)  
Tyler v. Evans (Sup. cause)  
Grover v. Outhwaite (Sp. ca.)  
Field v. Barnewall (Further consideration)

Thompson v. Teulon (2) (Further consideration)  
Moxon v. Hill (M for decree)  
Pardoe v. Hopkins (M for decree)  
Wright v. Vanderplank (Cau.)  
Hughes v. Wells (4) (F D, C)  
Nash v. Westminster Improvement Commissioners (M for decree)  
Whiah v. Whiah (M for dec.)  
Tollitt v. Tollitt (M for dec.)  
Thomas v. Thomas (Further consideration)  
Davies v. Thomas (Further consideration)  
Attwood v. Cripps (M for decree)  
Gilbard v. Hains (Further consideration)  
Haldane v. Leeming (Cause)  
Ricard v. Prichard (M for decree)  
Lawton v. Anderton (Further consideration)  
Littlewood v. Pattison (Further consideration)  
Green v. Harrison (Cause)  
Brooks v. Burgis (Further consideration)  
Powell v. Keyes (M for dec.)  
Olliver v. King (Cause)  
Rowley v. Unwin (Cause)  
Angier v. May (M for decree)  
Terrell v. Prichard (M for decree)  
Roberts v. Keralake (Further consideration, C)  
Champter v. Greenwood (Ca.)  
Hobson v. Brown (Cause)  
Watson v. Stokehill (Further consideration)  
Jones v. Welch (M for decree)  
Caerton v. Bunnnett (Cause)  
Hay v. Dowling (Cause)  
Wylie v. Wylie (Cause)  
Williams v. Salmund (Cause)  
Nicholson v. Tutin (M for decree)  
Coward v. Hughes (M for decree)  
Wallis v. Woodyard (Cause)  
Werninck v. Clarke (Cause)  
Wood v. Scarth (Cause)  
Wickham v. Wickham (Cause)  
Buncombe v. Smith (M for decree)  
Badcock v. Benson (Cl)  
Jones v. Shawe (M for decree)  
Parkinson v. Chambers (Cau.)  
Benn v. Griffith (F D, C)  
Boysse v. Colclough (Further consideration)  
Malden v. Maine (Cause).

*Before Vice-Chancellor Sir W. P. WOOD.*

CAUSES, &c.

Beck v. Kantorowicz (D, M)  
Hoy v. Smythies (E to answer)  
Spickernell v. Hotham (E, F D, C)  
Turner v. Irlam (M for decree)  
Fewer v. Bayldon (Further consideration, M)  
Crafts v. Middleton (Cause)  
April 19  
M'Neal v. Kay (Cl)  
Rooper v. Harrison (Cause)  
Perry v. Milne (M for decree)  
Watson v. Colchester (M for decree)  
Gabb v. Prendergast (M for decree)  
Williams v. North Staffordshire Railway Co. (Cause)  
Watson v. Loveday (Cl)  
Hervey v. Fitzpatrick (Cause)  
Gross v. Errington (M for decree)  
Dewar v. Ellwood (Cause)  
Felling v. Crawshaw (Cause)  
Hall v. Broughton (Cause)  
Walker v. Banks (M for dec.)

Gordon v. Henning (E)  
Thompson v. Daniel (Further consideration)  
Attorney-Gen. v. Stephens (M for decree)  
Loosemore v. Knapman (Further consideration)  
Rawlings v. Nash (Further consideration)  
Sneesby v. Thorne (M for decree)  
Taylor v. Millard (F D, C)  
Barnes v. Wood (3) (F D, C)  
Howell v. Price (Further consideration)  
Parr v. Jewell (Cause)  
Curtis v. Allen (Cause) SO, SA  
Hillier v. Hayman (Cause)  
Wyatt v. Haslewood (Cause)  
Forster v. Waddington (Cau.)  
Cochrane v. Buchanan (Cl, Ptn)  
Gwyon v. Gwyon (Cause, M for decree)  
Walker v. Simpson (M for decree)

GAZETTES.—FRIDAY, April 13.

BANKRUPTS.

CHARLES KING WITT, New Sarum, Wiltshire, grocer, April 27 at 12, and May 25 at 11, London: Off. Ass. Cannan; Sols. Parker & Co., 45, Pall-mall.—Pet. f. April 12.  
PAUL SAMPSON, Hythe, Kent, shoemaker, April 27 and May 25 at half-past 12, London: Off. Ass. Cannan; Sols. Chalk, Dover; Bischoff & Co., 19, Coleman-street.—Pet. f. April 3.  
LOUIS LIPMAN, Charles-street, Northampton-square, Clerkenwell, dealer and chapman, April 26 at 2, and May 24 at 12, London: Off. Ass. Bell; Sol. Sydney, 46, Finsbury-circus.—Pet. f. April 12.



**WILLIAM MEAD**, Milk-street, Cheapside, commission agent, April 23 at half-past 11, and May 22 at 11, London : Off. Ass. Johnson ; Sols. Reed & Co., Friday-street, Cheap-side.—Pet. f. April 12.

**WILLIAM HOLLADAY** and **JAMES CLEMITSON**, Watling-street, warehousemen, April 25 at half-past 12, and June 2 at 1, London : Off. Ass. Pennell ; Sols. Watson & Son, Moorgate-street-chambers.—Pet. f. March 26.

**JAMES LAMB**, **EDWARD LEWIS**, and **WILLIAM THOMAS ALLUM**, Wouldham, Kent, and Kingsland-road, cement manufacturers, (trading under the firm or style of Thomas Fuen & Co.), April 28 at half-past 1, and June 16 at 12, London : Off. Ass. Pennell ; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Pet. pres. April 12.

**FREDERICK THOMAS DODDINGTON**, Aldersgate-street, dealer and chapman, April 27 and June 2 at 2, London : Off. Ass. Pennell ; Sol. Mason, Moira-chambers, Ironmonger-lane.—Pet. pres. April 11.

**THOMAS BILLING**, Cambridge, dealer and chapman, April 24 at half-past 2, and May 22 at 1, London : Off. Ass. Edwards ; Sols. Foster, Cambridge ; J. & C. Cole, 36, Essex-street, Strand.—Pet. f. March 28.

**CHARLES ABBOTT**, James-street, Long-acre, dealer and chapman, April 27 at half-past 2, and May 22 at 1, London : Off. Ass. Lee ; Sols. Overbury & Peek, 4, Frederick-place, Old Jewry.—Pet. f. April 7.

**JOHN WILSON DAVIS**, Deptford, grocer, April 26 at half-past 2, and May 15 at 1, London : Off. Ass. Lee ; Sols. Walter & Pemberton, 8, Southampton-street, Bloomsbury-square.—Pet. f. April 5.

**JAMES GRANT**, Birmingham, dealer and chapman, April 27 and May 25 at 11, Birmingham : Off. Ass. Whitmore ; Sol. East, Birmingham.—Pet. f. April 11.

**CHARLES HARGREAVES** and **MICHAEL HARGREAVES**, Bradford, dealers and chapmen, April 26 and May 25 at 11, Leeds : Off. Ass. Young ; Sols. Bentley & Wood, Bradford ; Cariss & Cudworth, Leeds.—Pet. d. and f. April 11.

**JOHN BLAKEY** and **GEORGE BLAKEY**, Keighley, Yorkshire, dealers and chapmen, (trading under the style or firm of John Blakey & Co.), May 7 at 1, and June 4 at 11, Leeds : Off. Ass. Hope ; Sols. Weatherhead & Barn, Keighley ; Bond & Barwick, Leeds.—Pet. d. April 9.

**WILLIAM SUTCLIFFE**, Bradford, dealer and chapman, April 26 and May 25 at 11, Leeds : Off. Ass. Young ; Sols. Rawson & Co., Bradford ; Bruce & Butler, Leeds.—Pet. d. and f. April 7.

**SARAH NUTTALL**, Lower Tunstead, near Newchurch, Lancashire, dealer and chapman, April 24 and May 15 at 12, Manchester : Off. Ass. Fraser ; Sols. Cobbett & Wheeler, Manchester.—Pet. f. April 11.

#### MEETINGS.

*William Gillard* the elder, Catherine-street, Strand, and Thornhill-square, Islington, dealer in oils, April 24 at 2, London, last ex.—*Peter Cattell*, Long-acre, St. Martin's-in-the-Fields, coachmaker, April 25 at half-past 1, London, last ex.—*Samuel King*, Buckland, Berkshire, wheelwright, April 20 at 12, London, last ex.—*Isaac May*, Ipswich, linendraper, April 25 at half-past 1, London, aud. ac.—*Chas. J. Chealley Elkington*, Hall-street, City-road, electro-plate manufacturer, April 25 at 12, London, aud. ac.—*John Marke*, Duke-street, Manchester-square, butcher, April 25 at 2, London, aud. ac.—*Thomas Webb*, Cullum-street, London ; St. Heliers, Jersey ; and Leyton, Essex, dealer in spirits, April 25 at 12, London, aud. ac.—*Samuel Glover Fairbrother*, Bow-street, Covent-garden, printer, April 25 at 2, London, aud. ac.—*W. Foster*, Millbank, Westminster, stonemason, April 26 at 11, London, aud. ac.—*Wm. Miers*, Strand, ormolu miniature frame maker, April 26 at 11, London, aud. ac.—*Charles Haselden*, Wigmore-street, Cavendish-square, bookseller, April 26 at 11, London, aud. ac.—*John Beaumont* the elder and *John Beaumont* the younger, Commercial-place, City-road, coachmakers, April 26 at 11, London, aud. ac.—*John Gower*, Laurence-lane, warehouseman, April 26 at 11, London, aud. ac.—*M. J. Goff*, Queen's-crescent, Prince of Wales-road, Kentish-town, toyman, April 27 at 1, London, aud. ac.—*Thos. Hayward*, Gloucester, cook, April 26 at 11, Bristol, aud. ac.—*Chas. Dove*, Manchester, builder, April 25 at 12, Manchester, aud. ac.—*Archibald Neilson*, Darlington, Durham, hosier, May 4 at 1, London, div.—*Wm. Bowler*, Upper Ground-st.,

Lambeth, timber merchant, May 4 at 12, London, div.—*H. J. Tyrer*, Newcastle-place, Clerkenwell-close, watchmaker, May 5 at half-past 2, London, div.—*John W. Rymill*, Paul's-wharf, Upper Thames-st., paper agent, May 4 at 2, London, div.—*W. J. Miall*, Ingram-court, Fenchurch-street, and St. Peter's-terrace, Islington, cement manufacturer, May 8 at 12, London, div.—*W. B. Price* and *John Edwards*, Shrewsbury, bankers, May 7 at half-past 10, Birmingham, aud. ac. and div. sep. est. of *W. B. Price*.—*Wm. Eggleston*, Halifax, stuff merchant, May 4 at 11, Leeds, div.—*Walter Milligan*, *William Gandy*, and *George Gandy*, Bradford, stuff merchants, May 4 at 11, Leeds, div. joint est., and div. sep. ests. of *Walter Milligan* and *Wm. Gandy*.—*John Sayer*, Sheffield, draper, May 5 at 10, Sheffield, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Charles Henry Tugman* and *James Evans Tugman*, Great Tower-street, provision merchants, May 4 at half-past 1, London.—*Wm. Riddell* and *Mead Terrey Raymond*, Sherbourne-lane, merchants, May 4 at 11, London.—*William Bowler*, Upper Ground-street, Lambeth, timber merchant, May 4 at half-past 12, London.—*Archibald Neilson*, Darlington, Durham, hosier, May 4 at 1, London.—*Thos. Bateman Manning*, Deptford, brassfounder, May 4 at half-past 1, London.—*H. J. Betjemann*, Oxford-street, bedstead manufacturer, May 8 at 11, London.—*George Rochester*, Bishopwearmouth, linen-draper, May 8 at half-past 12, Newcastle-upon-Tyne.—*Wm. H. Miners*, Plymouth, grocer, May 7 at 11, Plymouth.—*S. Stansfield*, Little Hulton, Lancashire, cotton spinner, May 10 at 12, Manchester.—*J. Whittaker*, Oldham, publican, May 10 at 12, Manchester.

*To be granted, unless an appeal be duly entered.*

*Henry Quarterman*, Oxford, carpenter.—*Henry Cremer*, Old Broad-street, wine merchant.—*John P. White*, Mark-lane, merchant.—*Samuel Isaacs*, Portsea, Hampshire, hardwareman.

#### PETITIONS ANNULLED.

*Joseph Gibb*, Blue Lion-yard, Upper North-place, Gray's-inn-road, Middlesex, livery-stable keeper.—*Charles K. Will*, New Sarum, Wiltshire, grocer.—*Robert Nicholson*, Kingston-upon-Hull, sail maker.

#### PARTNERSHIPS DISSOLVED.

*George Stenning* and *Edward Carnell*, Tunbridge, Kent, attorneys and solicitors, (under the style or firm of Stenning & Carnell).—*Gerard Coke Meynell* and *Edward A. Copleston*, St. Martin's-place, St. Martin's-in-the-Fields, Middlesex, attorneys and solicitors.

TUESDAY, April 17.

#### BANKRUPTS.

**BENJAMIN NEWTON**, Brighton, brush manufacturer, May 1 and 22 at 2, London : Off. Ass. Lee ; Sols. Kenneth, Brighton ; Sowton, 6, Great James-street, Bedford-row, London.—Pet. f. April 14.

**WILLIAM LISTER**, Great Queen-street, Lincoln's-inn-fields, jewel-case maker, (trading with Frederick William Lister, under the firm or style of Lister & Son), April 27 at half-past 12, and June 9 at 12, London : Off. Ass. Nicholson ; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Pet. f. April 13.

**MATTHEW RICHMOND STEELE**, Leicester, dealer and chapman, April 25 and June 2 at 1, London : Off. Ass. Nicholson ; Sol. Parker, 18, St. Paul's-churchyard.—Pet. f. April 7.

**REINFELD REICHLOSER**, Red Lion-street, Holborn, tailor, April 25 at half-past 2, and May 23 at 1, London : Off. Ass. Stansfield ; Sol. Thistlewaite, 16, Essex-street, Strand.—Pet. f. April 14.

**ROBERT WHEDLE BENNETT**, West Bromwich, dealer and chapman, May 3 and 24 at 11, Birmingham : Off. Ass. Bittleston ; Sols. Duignan & Hemmant, Walsall ; Hodgson, Birmingham.—Pet. d. April 12.

**JOHN HOPKINSON**, Nottingham, grocer, May 1 and 22 at 10, Nottingham : Off. Ass. Harris ; Sol. Wells, Nottingham.—Pet. d. April 12.

**WALTER HORTON** and **JOSEPH HORTON**, Wednesbury, timber merchants, May 3 and 24 at 11, Birmingham: Off. Ass. Christie; Sols. Dugnan & Hemmant, Walsall; Hodgson, Birmingham.—Pet. d. April 11.

**CHARLES PEVERELLE** and **FRANCIS PEVERELLE**, Birmingham, dealers and chapmen, May 2 and 23 at half-past 10, Birmingham: Off. Ass. Christie; Sols. E. & H. Wright, or Reece, Birmingham.—Pet. d. April 13.

**JOHN WEBBER**, Birmingham, grocer, April 28 and May 26 at 11, Birmingham: Off. Ass. Bittleston; Sols. Reece, Birmingham; Steinberg, 32, Bread-street, Cheapside, London.—Pet. d. April 16.

**DANIEL SIMS**, Old Furnace Bottom, near Blakeney, Gloucestershire, dealer and chapman, April 30 and May 28 at 12, Bristol: Off. Ass. Miller; Sol. Smith, Gloucester.—Pet. f. April 13.

**FREDERICK TRAPNELL**, Bristol, timber merchant, April 30 and May 28 at 11, Bristol: Off. Ass. Hutton; Sols. Bevan & Girling, Bristol.—Pet. f. April 14.

**DANIEL BENNETT** the younger, Bristol, dealer and chapman, April 30 and May 28 at 12, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol.—Pet. f. April 14.

**JAMES KNOWLES**, Presteign, Radnorshire, dealer and chapman, April 30 and May 28 at 11, Bristol: Off. Ass. Hutton; Sols. Tudge, Knighton, Radnorshire; Brittan & Sons, Bristol.—Pet. f. March 20.

**GEORGE HAWKE**, Pobrnan, Cornwall, dealer and chapman, April 26 and May 31 at 1, Exeter: Off. Ass. Hirtzel; Sol. Elworthy, Plymouth.—Pet. f. April 7.

**HUGH TALBOT** and **HUGH POPHAM TALBOT**, Sidmouth, Devonshire, dealers and chapmen, April 26 and May 31 at 1, Exeter: Off. Ass. Hirtzel; Sol. Force, Exeter.—Pet. f. April 11.

**WILLIAM HENRY HAYWARD**, Devonport, tallow chandler, April 23 and June 4 at 11, Exeter: Off. Ass. Hirtzel; Sols. Rooker & Co., Plymouth.—Pet. f. April 10.

**CHARLES EVANS**, Bradford, stuff merchant, May 8 at half-past 11, and June 4 at 12, Leeds: Off. Ass. Hope; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Pet. d. April 14.

**WILLIAM ASPDIN** and **AUGUSTUS WILLIAM ORD**, Blackwall, Gateshead-on-Tyne, and New Wharf, Little Abington-st., Westminster, dealers and chapmen, (trading under the style or firm of Aspdin, Ord, & Co.), April 25 at 12, and May 23 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Griffith & Crighton, Newcastle-upon-Tyne.—Pet. f. April 12.

#### MEETINGS.

*Job Broadhurst*, Longton, Stoke-upon-Trent, earthenware manufacturer, April 28 at 11, Birmingham, ch. ass.—*John Crousdale*, Kingston-upon-Hull, cheese factor, May 9 at half-past 12, Kingston-upon-Hull, ch. ass.—*Thos. Tyler*, Woodstreet, Cheapside, warehouseman, April 30 at half-past 12, London, last ex.—*John Andrews Clarke* and *Joseph Davison*, Cheapside, warehousemen, April 30 at 2, London, last ex. and aud. ac.—*Malcolm Inglis* and *Eyton Bond*, Old Broad-street, merchants, May 3 at half-past 11, London, aud. ac.—*Charles Heaton* and *James Heaton*, Lime-street, and White Lion-st., Spitalfields, export oilmen, May 3 at 1, London, aud. ac.—*John Walker Brown*, Sloane-st., upholsterer, April 27 at 1, London, aud. ac.—*John Bailey Sergeant*, Portsmouth, wine merchant, May 1 at 1, London, aud. ac.—*Edward Benjamin Clarkson*, Bread-street, manufacturers' agent, May 8 at 1, London, aud. ac.—*Wm. Johnson*, Deeping, Lincolnshire, grocer, May 3 at 2, London, aud. ac.—*David Lewis* and *B. Wise*, Ann's-place, Westmoreland-road, Walworth, tanners, May 1 at 11, London, aud. ac.—*Wm. Harrison*, Clyde-terrace, Caledonian-road, Islington, baker, May 3 at 1, London, aud. ac.—*Richard Frank Kennedy*, West Cowes, Isle of Wight, April 28 at 1, London, aud. ac.—*Joseph Lough*, Great Queen-street, Lincoln's-inn-fields, blacking manufacturer, and *John James Limebeer*, St. James-street, boot maker, April 28 at 11, London, aud. ac.—*Henry B. Cox*, Southampton, purser, April 28 at 11, London, aud. ac.—*J. Whitaker*, Oldham, Lancashire, publican, May 10 at 12, Manchester, aud. ac.; May 11 at 12, div.—*Peter Ward*, Harrington, Cumberland, alkali manufacturer, May 8 at 1, Newcastle-upon-Tyne, aud. ac.; May 10 at half-past 11, div.—*G. Rochester*, Bishopwearmouth, woollendrapers, May 8 at 12, Newcastle-upon-Tyne, aud. ac.—*Jas. Ogle Holmes*, Sun-

derland, and *Young Lawson Marshall*, Roker, Durham, timber merchants, May 8 at 11, Newcastle-upon-Tyne, aud. ac., and May 10 at 11, div. sep. est. of *Jas. Ogle Holmes*.—*Thos. Broomfield*, Bedwardine, Worcestershire, butcher, April 30 at half-past 10, Birmingham, aud. ac.—*Jesse Shaw*, Longton, Staffordshire, stationer, April 30 at half-past 10, Birmingham, aud. ac.—*Wm. Hazle*, Pownall-road, Dalston, lace dealer, May 10 at half-past 12, London, div.—*G. E. Shuttleworth*, *M. H. Shuttleworth*, and *G. E. Shuttleworth* the younger, Poultry, auctioneers, May 8 at half-past 12, London, div. joint est., and fin. div. sep. ests. of *G. E. Shuttleworth* and *M. H. Shuttleworth*.—*Wm. Younger* the younger, King's Arms-buildings, Cornhill, auctioneer, May 9 at 1, London, div.—*James Hammond*, Chancery-lane, furniture dealer, May 8 at 12, London, div.—*William Owen Tucker*, Threadneedle-street, sharebroker and commission agent, May 10 at 11, London, div.—*George Hart*, Strand, ironmonger, May 10 at 11, London, div.—*John Stevens*, Bermondsey-wall, Bermondsey, sailmaker, May 10 at 12, London, div.—*Chas. Ferguson*, Hitchin, Herefordshire, draper, May 10 at half-past 11, London, div.—*George Fyfoot Lyde*, Church-passage, Basinghall-street, sewed muslin and lacemaker, May 10 at half-past 11, London, div.—*Daniel William Lucas* and *Isaac Dods*, Arthur-street West, flax merchants, May 8 at 1, London, div.—*Frederick Thomas Pascott*, Macclesfield-street South, City-road, and Albion-place, Kingalind, fancy box manufacturer, May 8 at 12, London, div.—*Robert Parker*, Ludgate-hill, woollendrapers, May 8 at 1, London, div.—*Rebecca Crichton* and *James William Crichton*, High-street, Newington Butts, upholsterers, May 8 at 2, London, div.—*Joseph Fisher*, Cleeve, Yatton, Somersetshire, money scrivener, May 10 at 11, Bristol, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Upson*, Bexley-heath, Kent, shoemaker, May 10 at 11, London.—*Samuel Adams*, New-court, Goswell-street, licensed victualler, May 10 at 11, London.—*Thomas Brooks*, Henrietta-street, Covent-garden, and Sandown, Isle of Wight, wine merchant, May 10 at half-past 1, London.—*Henry Buckell*, Portsea, draper, May 9 at 1, London.—*Ebenezer Kempster Mackenzie Griffiths*, *Cornelius Proud Newcombe*, and *Francis Thomas Griffiths*, Gracechurch-street, London, and Liverpool, ship owners, May 9 at 2, London.—*Adam Hunter*, Woodstock, Oxfordshire, draper, May 10 at half-past 11, London.—*John Gardiner Hodges*, Bull's Head-court, Newgate-street, warehouseman, May 10 at half-past 11, London.—*Frederick Futvoys*, Regent-street and Beak-street, Westminster, jeweller, May 8 at 2, London.—*John Sykes*, Little Tower-hill, clothier, May 8 at 1, London.—*Peter Ward*, Harrington, Cumberland, alkali manufacturer, May 10 at half-past 12, Newcastle-upon-Tyne.—*George Elston*, Crediton, Devonshire, shoemaker, May 9 at 1, Exeter.—*Alexander Jackson*, Manchester, clock manufacturer, May 10 at 1, Manchester.—*Samuel Highfield*, Bache, Chester, gas manufacturer, May 8 at 11, Liverpool.—*James Rumsey*, Coventry, licensed victualler, May 10 at half-past 10, Birmingham.—*Francis Bekrens*, Birmingham, general merchant, May 7 at half-past 10, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*William Foster*, Bridge Wharf, Millbank, stone merchant.—*Henry John Achlin*, High Holborn, wholesale shoe manufacturer.—*John Beaumont* the younger, Commercial-place, City-road, coach maker.—*William Davey*, Wellington, Somersetshire, baker.—*Richard Callard*, Devonport, coach proprietor.—*John Latimer*, Newcastle-under-Lyme, draper.—*Jesse Shaw*, Longton, Staffordshire, stationer.—*John Thomas*, Upton-on-Severn, draper.—*John Brindley*, Birmingham, hoiser.

#### PETITION ANNULLED.

*Bodham Butler Wisker*, Castle-street, Holborn, tailor.

#### PARTNERSHIPS DISSOLVED.

*William Newton* and *Worthington Thomas Gylby* the younger, East Retford, Nottinghamshire, attorneys-at-law and solicitors.—*George Stone* and *Henry Scott Turner*, Jermyn-street, St. James's, Middlesex, attorneys and solicitors.—*George Smith* and *William Compton Smith*, Southampton-buildings, Chancery-lane, Middlesex, attorneys and solicitors.

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## THE JURIST.

LONDON, APRIL 28, 1855.

THE decisions of our superior tribunals upon the county court system, now completely established throughout the length and breadth of the land, are of importance to the community at large, as well as to the legal profession, and we propose to call attention to some of the most recent cases falling under this description\*. Among these we may rank *Taylor v. The Crowland Gas and Coke Company*, decided last week in the Exchequer, and reported in our last number, (part 1, p. 358). It was an action for the recovery of wages, brought against a company completely registered under the Joint-stock Companies Act, 7 & 8 Vict. c. 110, and resulted in a judgment for the plaintiff for the sum of 7l. 1s.

The company, which consisted of numerous shareholders, had its office and carried on business at Crowland, in Lincolnshire, within the jurisdiction of the county court of that place, and when the action was

brought the plaintiff dwelt within twenty miles of that place, but a distance of more than twenty miles from several of the shareholders. The question was, whether he was entitled to costs, as coming within the concurrent clause, or the following one, (sects. 128 and 129), of stat. 9 & 10 Vict. c. 95.

First, could a plaint have been entered for this claim in the county court? The learned judges held that it could, as a corporation or quasi corporation may be sued therein. (Sects. 58 and 142 of stat. 9 & 10 Vict. c. 95; rule 43 of the County Court Practice).

Secondly, did the plaintiff dwell more than twenty miles from the defendant? It had been decided in *Parry v. Davies* (1 Lownd., M., & P. 379) and *Doyle v. Lawrence*, (2 Lownd., M., & P. 378), that in the case of several defendants, if any one of them dwelt more than twenty miles from the plaintiff, he might sue in a superior court. It was now held, however, that a corporation may be said to dwell where it carries on its business, and therefore that the plaintiff was not entitled to his costs upon this ground.

It is remarkable that the concurrent clause above referred to (sect. 128) makes a distinction in words between dwelling and carrying on business, in those parts of it which relate to the distance at which the parties dwell from each other, and to the cause of action arising within the defendant's district. Thus, the plaintiff may sue in a superior court "where the plaintiff dwells more than twenty miles from the defend-

\* In former articles, we have reviewed, inter alia, *Herniman v. Smith*, (1 Jur., N. S., part 1, p. 190); *Walton v. Borthwick*, (Id. 142); and other cases as to "cause of action" in a foreign district, under sect. 60 of stat. 9 & 10 Vict. c. 95, (ante, p. 31). *Stokes v. Grissell*, (14 C. B. 678), as to the measurement of the twenty miles, under sect. 128, (18 Jur., part 2, p. 173). See also a review of county court cases, 16 Jur., part 2, p. 109.

ant\*," i. e. from where the defendant dwells, (*Johnson v. Ward*, 6 Dowl. & L. 720), "or where the cause of action did not arise wholly or in some material point within the jurisdiction of the Court within which the defendant dwells or carries on his business at the time of the action brought." With reference to this distinction, Pollock, C. B., said in the principal case, "These two expressions are found here in consequence of that sort of incuria which now and then creeps into the framing of acts of Parliament, for I do not believe that any distinction was meant by the difference of expression in the two parts of this section, "dwells" and "dwells or carries on his business."

It was contended for the plaintiff that he should have his costs, because the judgment of a county court against such a corporation could not be enforced by the county court against the actual or former shareholders in the company, under the 7 & 8 Vict. c. 110, s. 66. The Court agreed that it could not be enforced in such manner by the county court; but said, that although this might be a good reason for allowing the costs, under the 15 & 16 Vict. c. 54, s. 4, upon the ground that the case was a fit one to be tried in a superior court, yet a sufficient reason must be made out for the exercise of that jurisdiction, by shewing that there were no means of getting satisfaction from the funds of the corporation, and that it was necessary to get it from the members of the body.

A point worthy of being noted with reference to this matter was decided in *Stokes v. Grissell*, (14 C. B. 678), namely, that where the plaintiff states in his affidavit that he does not believe that the defendant dwelt or carried on his business, at the time of the commencement of the action, within the jurisdiction of the Court in which the cause of action wholly arose, it is sufficient, in the absence of an affidavit by the defendant that he does dwell or carry on his business there. The Court said the distinction was between proving an affirmative, when you can speak to a fact, or a negative, when you can speak only to your belief†.

While upon the subject of county courts, we may observe, that the exceptional jurisdiction conferred by the blunder in the City of London Small Debts Act, 15 Vict. c. 77, has naturally produced decisions exceptional to those which had proceeded upon the general county court jurisdiction§. By sect. 119 of that act, a sum exceeding fifty pounds must be recovered in actions ex contractu in the superior courts, and five pounds in actions ex delicto, under penalty of losing costs. By sect. 120, (copied from sect. 129 of the 9 & 10 Vict. c. 95), he is to be deprived of costs if he recover less than 20*l.* in an action ex contractu in the superior courts.

Now, it has been held, that although a judge must

\* The words of the City of London Small Debts Act, 15 Vict. c. 77, s. 119, are merely, "where the plaintiff dwells more than twenty miles from the defendant." It may be convenient to mention that this act will be found in the *appendix* to the Statutes at Large. (15 & 16 Vict., p. 500).

† And see, as to what is a carrying on of business within the meaning of the act, *Mitchell v. Hender*, (18 Jur., part 1, p. 430) *id.*

‡ And see further, as to making out a merely *prima facie* case, *Kirby v. Hickson*, (1 Lownd., M., & P. 364).

§ See a comparison of the sections in the City of London Small Debts Act with those in the general County Courts Acts, 17 Jur., part 2, p. 65.

certify for costs forthwith under the general acts, he may certify at any time under this act, where the sum recovered is between 20*l.* and 50*l.*; (*Chaplin v. Levy*, 9 Exch. 673\*); that although under the general acts the plaintiff must apply for his costs in order to have them, yet under this act, where the sum recovered is between 20*l.* and 50*l.*, the old practice, of entering a suggestion by the defendant to deprive the plaintiff of costs, must be resorted to; (*Castrique v. Page*, 22 L. J., C. P., 145); and that although under the general acts an attorney has no privilege to sue in a superior court, (13 & 14 Vict. c. 61, s. 11), yet under this act he retains that common-law privilege if the sum recovered is between 20*l.* and 50*l.* (*Borodale v. Nelson*, 14 C. B. 655; 18 Jur., part 1, p. 431). The section in the city act which deprives of costs in cases where less than 50*l.* is recovered (sect. 119) was copied by mistake from sect. 129 of the 9 & 10 Vict. c. 95, instead of sect. 11 of the 13 & 14 Vict. c. 61; and the former section (sect. 129) had been held not to take away the attorney's privilege. (*Lewis v. Hance*, 11 Q. B. 921; *Jones v. Brown*, 2 Exch. 329).

Thus exception begets exception, and a legislative mistake becomes a "medium filum" for numerous distinctions, which otherwise would never have existed. It is a strange system that metes out one kind of justice with reference to the city of London, and a different kind in every other part of the kingdom; that requires a suitor to recover 50*l.*, or to lose his costs, when the other litigant resides in the city, but is satisfied with anything over 20*l.* if he lives in Middlesex.

#### NOTES OF THE WEEK.

THE Court of Exchequer Chamber heard errors from the Court of Queen's Bench on the 24th and 26th inst., and will hear them from the Courts of Common Pleas and Exchequer on the 9th of May and following days.

John Arthur Shakespear, Esq., barrister-at-law, has been appointed member of the Legislative Council of Jamaica.

In the case of the Newtons, convicted and sentenced to imprisonment for an assault on Mr. Kerr, an application was made to the Court of Queen's Bench (April 23) for a mandamus commanding the Attorney-General to grant his fiat for a writ of error; but the Court refused to grant the application, upon the ground that they had no jurisdiction to review the decision of the Attorney-General in the matter.

It has been decided in the Court of Common Pleas, (*Swann v. Dakins*, April 17), that one of the priests in ordinary at the Chapel Royal is privileged from arrest under a county court commitment on a judgment summons, and that such commitment was in the nature of a limited ca. sa.

#### RECENT CASES ON COMMERCIAL LAW.

##### STEEL v. SCHOMBERG.

AMONG the provisions introduced, for the security of the public, into the statute consolidating the laws relating to the carriage of passengers by sea (15 & 16 Vict. c. 44) are the following:—"No passenger ship shall clear out or proceed to sea until the master thereof shall have obtained from the emigration officer at the port of clearance a certificate, under his hand, that all the requirements of the act, so far as the same can be complied with before the departure of such ship, have been duly complied with." (Sect. 10). "Nor if there

\* There is no fixed time within which an application for costs is to be made, under the 15 & 16 Vict. c. 54, s. 4, in cases where the county and superior courts have concurrent jurisdiction. (*Reed v. Gardner*, 22 L. J., Ex., 253).

shall be on board as cargo any horses, cattle, gunpowder, vitriol, lucifer matches, guano, green hides, or any other article, whether as cargo or ballast, which, by reason of its nature or quantity, shall be deemed by the emigration officer at the port of clearance likely to endanger the health or lives of the passengers, or the safety of the ship." (Sect. 26). "Nor unless the ship shall have been surveyed, under the direction of the emigration officer at the port of clearance, but at the expense of the owner or charterer thereof, by two or more competent surveyors, to be appointed by the Colonial, Land, and Emigration Commissioners for each port; nor unless it shall be reported by such surveyors that the ship is in their opinion seaworthy, and fit in all respects for her intended voyage." (Sect. 16). A ship fitted up for a voyage to Melbourne had been duly surveyed by three surveyors under this clause; but after she had commenced loading, the emigration officer saw the ship, and, acting bona fide in the discharge of his duty, declined to give his certificate, on the ground that the ship was eighteen inches too deep in the water, and must be lightened at least a foot. He did not object to any articles loaded in the ship, and there were, in fact, none of the prohibited articles on board. In an action against him for refusing the certificate, the Court held that he was justified in his refusal under the statute, if he thought the quantity of the cargo such as to endanger the ship, and that his discretion in this respect was not affected by the report of the surveyors under the 16th section. (*Steel v. Schomberg*, 24 L. J., Q. B., 87).

This is an important decision, as tending to enlarge, rather than restrain, the powers vested in the emigration officer for the safety of the public.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—A correspondent in your last number suggests that special jurors should be summoned to try cases which affect the life of individuals and the safety of the public, or that a verdict returned by a majority of eight of the jury, and sanctioned by the judge, should be equivalent to an unanimous finding. If trial by jury is to be maintained as an institution of the country, it is a matter of the utmost importance that it should, as an institution, be as perfect as possible, not calculated, on the one hand, to stand between crime, and the punishment which should follow its commission; or, on the other hand, to press upon the liberty of the subject, by affording opportunity for partiality or prejudice to kick the beam of justice. In the ordinary criminal cases tried at assizes and sessions the class of persons from whom jurors are chosen may be as capable as those in a higher and more educated sphere of deciding upon the simple facts brought before them; but not so in cases of a more complicated nature, where not only much acumen and intelligence, but also a vigilant and lengthened mental attention, is required. For the trial of cases of this description, amongst which murder should undoubtedly be classed, I can see no objection to the summoning of special jurors. It has been said that the principle of requiring unanimity in a jury is attended at least with one practical advantage of the utmost importance—that, in the event of a difference of opinion, it secures a discussion, and enables any one dissentient juror to compel the other eleven fully and carefully to reconsider the question. In the Third Report of the Common-law Commissioners it was recommended, that if, after a deliberation of twelve hours, nine out of the twelve concurred, their verdict should be received. The only novelty in the suggestion of your late correspondent is in requiring the sanction of the judge to the verdict of a majority of eight. The

peculiar merit of this scheme would seem to consist in establishing a safeguard against a majority (and the particular number of which that majority is to consist seems to be of little importance) finding a perverse verdict. There also should be a time fixed during which unanimity is essential in order to secure the advantage of full deliberation. Six, and not, as the commissioners have recommended, twelve, hours would be amply sufficient for this purpose. In a recent number you pointed to the extraordinary conclusions which under the existing system are sometimes arrived at. Legislation is required upon the subject, and the thinking part of the community would hail with pleasure a measure which should have for its object a sound and well-devised alteration in the existing system.

I am, Sir,

Your obedient servant,

G. F.

### Reviews.

*A Treatise upon the Law of Life Assurance, upon the Constitution of Assurance Companies, the Construction of their Deeds of Settlement, the Sale of Reversionary Interests, and Equitable Liens arising in connexion with Life Policies; with an Appendix of Precedents for the Assignment of Policies by way of Sale, Mortgage, and Settlement; Notes of Cases, Statutes, and an Index of Private Acts obtained by Assurance Companies.* By CHARLES JOHN BUNYON, Esq., M.A., of the Inner Temple, Barrister at Law.

[Wildy & Sons, 1855.]

THE subject of life assurance is one of general interest, both in a commercial and social point of view. Mr. Bunyon has thus described the uses to which it may be put:—

"By this means the merchant or professional man may secure for his family, by anticipation, that provision which would otherwise have required a long life of care to obtain. The debtor, whose income is dependent on his life and exertion, may protect his creditor from that loss which his early death would occasion, and thereby obtain time and opportunity for the gradual extinction of his liabilities. The tenant for life, or the annuitant, the lessee for lives or years determinable with lives, or the copyholder, may, by a moderate payment proportionate to his means, obtain for his property the advantages of a permanent investment, and thus in the latter case relieve it, at least to a great extent, from the onerous character of its tenure." (P. 2).

Life assurance, then, being so useful and so varied in its application, there was need of a practical exposition of the law by which the relative positions of the insured and the insurer, or, in other words, the public and those associations by which life assurance is conducted, are defined, and the constitution of the latter regulated. Mr. Bunyon has brought legal ability to the execution of his task, and has produced a text-book which we can recommend to the Profession and the public, and more especially to that class of the latter who fall under the denomination of directors, actuaries, managers, and secretaries, too many of whom, we fear, enter upon their duties with little, if any, knowledge of the highly onerous and responsible trusts imposed upon them. The first chapter is devoted to the consideration of "the nature of the contract" at common law, and as modified by statute. It must be satisfactory to Mr. Bunyon to know that his strictures upon the case of *Godsall v. Boldero* (9 East, 72; 2 Smith's L. C. 157) have lately received the judicial sanction of the Exchequer Chamber in *Dalby v. The India and London Life Assurance Company*, (18 Jur., part 1, p. 1024); also by Sir W. P. Wood, V. C., in the still more recent



decision of *Law v. The London Indisputable Life Policy Company*, (1 Jur., N. S., part 1, p. 178). Although at the present day, owing to the competition in life insurance business, and the odium which attaches to any society disputing a claim by the representatives of the insured, there is less risk of the purpose for which an assurance has been effected being ultimately defeated by the insurers disputing their liability, yet to clearly and precisely define the nature, as well as arrange the basis, of their contract, is palpably the duty and interest of both contracting parties. This is true of all contracts, but more especially of that with which we are now concerned, inasmuch as to one of the parties, the insured, the consequences of a miscarriage might be the defeating the end and purpose of many years' self-denial and industry. The following extract from the second chapter, in which "the proposal" is treated of, deserves attention:—

"The insurers, it may be assumed, prior to the contract, are entirely ignorant of the premises upon which it may be founded, and must depend for them upon the insured; his statements are therefore the basis upon which the contract proceeds, and their truth, as to all material points, is essential to its validity. It is important to observe, that the principle upon which the maxim 'caveat emptor' is founded does not apply to the contract of insurance. Not only must the party proposing the insurance abstain from making any deceptive representation, but he must observe the utmost degree of good faith, uberrima fides. Not only is he required to state all matters within his knowledge which he believes to be material to the question of the assurance, but all which, in point of fact, are so. If he conceals anything which he knows to be material it is a fraud. But besides that, if he conceals anything which may influence the rate of premium which the underwriter may require, although he does not know that it would have that effect, such concealment entirely vitiates the policy. An entire disclosure must then be made of all material facts known to the insured; and not only so, but all representations made by him as to material facts must be substantially correct; and to this may be added, that where a representation amounts to a warranty, it must not only be substantially, but literally, true." (P. 30).

The author then proceeds to deal with the statements required in the declaration or proposal, and to shew by decided cases the effect upon the contract of a warranty, misrepresentation, or concealment contained in such statements, whether by the party proposing to insure, or by his referees. Mr. Bunyon thinks that there are grave objections to the payment of the medical referee's fee by the office; "for," he says, "we have already seen the medical referee is the agent, in respect of his replies, of the proposer, and the latter is answerable for any want of candour or neglect by him; while, if the fee were paid by the company, the question would arise, whether his position were not changed, and whether he had not become the agent of the insurers, instead of the party making the proposal." (P. 57).

We believe this, however, to be a difficulty more imaginary than real, and that the very fact of making the medical referee the agent of the company tends to destroy the natural bias which Mr. Bunyon, in the following paragraph, says exists in favour of the patient, and, if possible, to make him more scrupulously exact in his report. This system is now generally adopted by well-conducted offices, and has not been found to work detrimentally to their interests. "The policy and its conditions" are next treated of; and under this head (at p. 61) will be found some pertinent and useful remarks upon the law as it affects the negotiability of policies of insurance. The usual conditions of a policy, with the construction that the

Courts have put upon them, are fully discussed, the subject being well closed by Lord St. Leonards' observations in *Anderson v. Fitzgerald* (21 Law T. 245, Dom. Proc.) upon the general rules of construction applicable to such instruments. "A policy," said his Lordship, "ought to be so framed that 'he who runs may read'—with such deliberate care that no form of expression by which the party insured can be caught on the one hand, or by which the company can be cheated on the other, should be found on the face of it, and nothing should be wanting in it the absence of which may lead to such result." (See p. 80). The subject of the indisputability of a policy, when once issued, has occupied much attention, and created some discussion—not so much, perhaps, with the legal as with the insuring world: with the former it has, we believe, never been seriously doubted (as Mr. Bunyon observes, p. 81) "that a condition, that the insurers shall not raise any objection even in the case of fraud, is a void condition."

Insurances against accidents, insurance against the birth of issue, and guarantee policies, as partaking in their nature of the character of life insurance, are not inappropriately introduced into the treatise. Under the head of "the constitution of assurance offices" Mr. Bunyon has put before his reader the requirements, effect, and general operation of the Joint-stock Companies Act, 7 & 8 Vict. c. 110; and in the same chapter has shewn how companies may be dissolved, and to what cases the Winding-up Acts apply. Next follows a chapter upon charters of incorporation, and the construction of deeds of settlement, and private acts of Parliament to amend deeds of settlement, in which the powers and position of the members, both as between themselves and strangers, are pointed out. Societies established under the Friendly Societies Acts enjoyed peculiar immunities in respect of life insurance to a limited extent. These privileges were, however, taken advantage of by companies not within the intention of the acts, and have been gradually withdrawn. Mr. Bunyon has pointed to the successive measures of the Legislature upon the subject, and the alterations in the rules of friendly societies rendered necessary by such enactments, which, as he observes, appear to have been little better than experiments. A chapter "concerning the powers and duties of directors, officers, and agents" concludes the first part of the work, and contains several useful suggestions.

Our author having thus, if we may so express it, started a policy, by shewing the nature of the contract, the relative position of the insured and insurer at its inception, the constitution of life offices, and the duties of those who have the conduct of them, proceeds, in the second part of the work, to deal with the subject in its intermediate state—that is, in the interval which elapses between the making of the contract and the fulfilment of its purpose by the happening of the contingency upon which it depends—the death of the life insured. He accordingly, in a series of eight chapters, points out the various modes in which a policy may be dealt with by assignment, and how liens may be created, and treats of money advances made by offices by way of mortgage of their own policies, or upon personal security, the sale of reversionary interests, the application of policies as securities for fines payable on the renewal of leaseholds, and the voluntary assignment of policies. The third and concluding part of the work treats in its first chapter of the rights and interests of persons under disabilities, such as infancy, coverture, lunacy, or felony. The claim and its satisfaction, together with the enforcement of claims by an action at law or a suit in equity, occupy the following two chapters; and therein Mr. Bunyon has pointed out the steps necessary to establish the claim by proof of death and evidence of title to the sum insured. Annuities are granted by

many, if not all, life offices, and are intimately connected with the subject of risks on lives. The next chapter is accordingly devoted to the consideration of the sale and purchase of annuities, with the provisions of the Annuity Acts requiring enrolment in the Court of Chancery of a memorial of the instruments whereby they are granted. These apply to insurance offices, although completely registered, as well as to private individuals, and the consequence of the neglect to enrol an annuity (and the onus of inrolling lies upon the purchaser) is pointed out, (p. 351). The stamp laws, as bearing upon *life insurance*, and contracts in connexion therewith, are fully considered in the succeeding chapter, where tables and full information in relation to the subject will be found. "The Succession Duty Act of 1853 is the most important measure of the session, and marks an epoch in the history of taxation, not only on account of the magnitude of the sum proposed to be levied under it, but as evolving a new principle in permitting a tax upon past transactions." Mr. Bunyon then proceeds to analyse the provisions of the stat. 16 & 17 Vict. c. 51, (the Succession Duty Act), and shews how life policies and post-obit securities are thereby affected. The boon conferred upon the provident portion of the community by the exemption in the Income Tax Act of 1853 (16 & 17 Vict. c. 34) in respect of amounts paid by way of annual premiums of life insurances is touched upon. Mr. Bunyon, however, considers, and no doubt with much probability, that these enactments are "only instalments of those which may be expected," and thinks that the intention to legislate upon the subject may have existed as early as the Joint-stock Companies Registration Act. Our author has evidently no great confidence in the suggestions of the recent select committee on insurance associations. The two subjects which principally ingrossed their attention were, as the author observes, (p. 384), first, "what protection was to be required for the public against the insolvency and improper management of assurance companies; and, secondly, in what manner and form periodical accounts of their transactions, and the state of their funds, were to be required to be registered and published." The publication of accounts by all companies, and a paid-up capital of 10,000*l.* invested in the public funds by new societies before complete registration, were suggested by the committee as sufficient remedies. The difficulty of procuring any real information from the publication of accounts in the form proposed is shewn by the following extract:—"Such accounts will be like the play 'with the character of Hamlet omitted by special desire, since they are wanting in the true test of such accounts, namely, the table of mortality and the rate of interest used in calculating the assets and liabilities of the company in the general valuation." Of the desirability of obtaining "a material guarantie," in the shape of 10,000*l.*, there can be no doubt; and such a requirement, we are satisfied, would work beneficially, not only for the public, but also for future real bona fide associations; too many of the existing companies, we fear, having started with a capital insufficient to their beneficial working. Much, however, of the success of such a scheme would depend upon the regulations laid down by Parliament for the investment of the capital sum required. Mr. Bunyon thinks that the law of life insurance and annuities requires amendment, in two respects at least—first, in passing an act to the effect that no subsequent expiration of a sufficient insurable interest should invalidate an assurance contract; secondly, in dispensing with the enrolment of annuities granted by insurance companies. His first suggestion would, perhaps, since the recent decisions, appear to be unnecessary, but in the second we fully concur. Some remarks upon the proposed alteration

in making life policies assignable at law conclude the third and last part of the work. The appendix contains several precedents of forms, to which, however, we think an addition might judiciously be made of some of those more frequently in use, such as the form of proposal and policy.

### CRIMINAL-LAW PROCEDURE.

THE following are the resolutions of the House of Lords in connexion with Lord Brougham's Criminal-law Procedure Bill:—

1. That it is the duty of the Government to provide effectually for the execution of the criminal law, by the discovery, the securing, and the prosecution of offenders.
2. That the local police establishments ought to be under the direct superintendence and control of the Government; and that the same rules should, as nearly as local circumstances will permit, be everywhere applied.
3. That the appointment of a regular constabulary force should be obligatory upon the local authorities.
4. That in addition to such regular force, a reserve force ought to be maintained of persons with moderate pay, to be called out for a short time merely in order to be inspected and trained, and to be bound to serve when required by the magistrate.
5. That a sufficient number of stipendiary magistrates should be appointed in the other towns of considerable size, with the powers and duties of those appointed for London and Middlesex, so far as these powers and duties relate to the examination and commitment of persons charged with offences, and to the criminal jurisdiction vested in them.
6. That the prosecution of offenders should be intrusted to an officer appointed by the Government, with such number of subordinate officers as may be required for conducting prosecutions in the counties and larger towns; but that until such a measure can be adopted, it is expedient to appoint barristers, who shall advise upon and conduct the prosecutions in the Central Criminal Court and the Courts of Quarter Session of Middlesex and Surrey.
7. That the public prosecutor should in all the graver cases, as the pleas of the Crown and forgery, proceed by bill before the grand jury; but in other cases should, at his discretion, be allowed to proceed upon commitment by a stipendiary magistrate, without any bill found.
8. That assizes should be holden four times a year in each county, and quarter sessions so frequently, and at such times relating to the assizes, as that a court of criminal jurisdiction shall sit once a fortnight in each county.
9. That to equalise the business, counties may be divided, and parts of different counties united, for the purposes of trial; and that persons may be tried, at the option of the public prosecutor, either in the district where the offence is alleged to have been committed, or in an adjoining district.
10. That the same criminal jurisdiction should be given to judges of the county courts as is at present possessed by the quarter sessions of the peace; that this jurisdiction should extend over the district subject to their civil jurisdiction; and that the justices of every county may be relieved from the obligation to hold sessions oftener than four times a year, whensoever it shall appear that, besides those four sessions and the assizes, there is a sufficient number of county court criminal sittings to give two criminal courts monthly in the district.
11. That a reasonable sum for trouble and expenses should be allowed to all persons summoned to attend as petty jurors on any criminal trial.

12. That the costs of every person tried and acquitted, or discharged for want of prosecution, should be paid out of the county rates, on certificate of the court before whom he was tried or brought for trial, or of the magistrate by whom he was discharged.

13. That in all prisons arrangements should, as far as possible, be made not only for separating the untried from the convicted, but for separating different prisoners of both classes.

14. That imprisonment should, as far as possible, be accompanied with the means of giving work to those who are willing to work, and whether untried, or sentenced to imprisonment without hard labour; that all the earnings of the untried should belong to them, and to the convicts a portion upon their discharge.

15. That a discretion should be vested in the governors, chaplains, and other superintendents of gaols, of improving the diet of convicts, according to their demeanour and industry.

16. That subject to the control of the superintendents, with the advice and consent of the chaplain, prisoners may be employed as assistant teachers in the prisons.

17. That the dietary of prisons ought never to allow more to convicts in proportion to the term of their imprisonment; and that in respect of diet, regard should be had, as far as possible, to the industry and other demeanour of the convicts under their sentences.

18. That justices of the peace in all cases in which they now have power to take bail, and coroners in cases of manslaughter, should have the power of allowing any person accused to go at large upon entering into his own recognisance to appear and take his trial; and that in cases of manslaughter coroners should also have the power to liberate upon bail.

### Court Papers.

#### NEW TRIALS MOVED IN EASTER TERM.

##### Court of Queen's Bench.

Midd.—Smith v. Sieveking	Warwick.—Staite v. Barford
" Cook v. Wildes	Suffolk.—Last v. Woodgate
" Reg. v. Coyle	" Parker v. Wallis
Lond.—Land v. Lloyd	" Brown v. Shaw
" Spielman v. Governor and Company of Bank of England	Wilts.—Harrison v. Bush
" Moller v. Young	Brecon.—Papendock v. Bridgewater
" Stansfield v. Smith	Northumberl.—Thompson v. Gillespy
" Dowell v. General Steam Navigation Co.	Durham.—Smart v. Morton
Stafford.—Floyd v. Foster	" Mayor, &c. of Sunderland v. Horne
" Egginton v. Corporation of Lichfield	" Same v. Same
Lincoln.—Newton v. Ellis	York.—Earl of Scarborough v. Bayley
Nottingham.—Reg. v. Walker	" Kitson v. Rhodes
Derby.—Brewin v. Short	" Rainforth v. Hamer
	" Pottlick v. Hubbersty
	Liverp.—Petrie v. Ellis.

##### Court of Common Pleas.

Surrey.—Butcher v. London and South-western Railway Co.	Surrey.—South Metropolitan Cemetery Co. v. Eden
Lond.—Cockerell v. Van Diemen's Land Co.	Kent.—Tyler v. Hook
" Gillet v. Ofor	Surrey.—Steel v. South-eastern Railway Co.
Gloucester.—Coleman v. Riches	" Avann v. Same
Lond.—Hackwood v. Lyall	Midd.—Martin v. The Great Northern Railway Co.
" Brodie v. Howard	" Suspended.
" Toppin v. Lomas	Midd.—Winch v. Towart.
Herts.—Goldham v. Edwards	
Yorkshire.—Melling v. Leak	

### Court of Exchequer.

Midd.—Ellis v. Steele	Liverp.—Brebner v. Harrison
Lond.—Haydon v. Bibby	" Bruce v. Nicolopale
" Stieple v. Bibby	Lincoln.—Russell v. Whitehead
" Board of Management of Control, London District Schools v. Wythes	Kingston.—Boyle v. Wiseman
" Australian Royal Mail Steam Packet Co. v. Marzetti	" Wilkes v. Plant
" Welsford v. Dimsdale	" Græme v. Wroughton
" Cooper v. Rutt	Stafford.—Leech v. Lamb
" Gurr v. Scudds	" Harrison v. Bish-ton
" Crouch v. The Great Northern Railway Co.	" Foster v. Floyd
	Winchester.—Padwick v. Knight
	Taunton.—Kingsmill v. Millard.

### BILL IN PROGRESS.

#### ABSTRACT OF A BILL

(Brought in by the Lord Chancellor)

*Intituled "An Act to amend the Charitable Trusts Act, 1853."*

Sect. 1. The Charitable Trusts Act, 1853, and this act to be construed together.

2. Repeal of the provision for determining the salary of the third commissioner.

3. Power to Lord Chancellor and Lords of the Treasury to appoint additional inspectors. Salary not to exceed 600*l*.

4. The acts of the board, how to be authenticated.

5. Entries in and extracts from the books of the board, how to be authenticated.

6. The board, or any commissioner or inspector, may require written accounts and statements and answers to inquiries relating to any charity, or the property or income thereof, to be rendered or made to them respectively by all or any of the following persons; that is to say,

Trustees or persons acting or concerned in the administration of the charity, its property or income, or in the receipt or payment of any monies thereof:

Agents of any such trustees or persons:

Depositaries of any funds or monies of the charity:

Persons in the beneficial receipt of any funds thereof, or of any income or stipend therefrom:

Persons whom the board or such commissioner or inspector shall have reasonable ground for considering to be in the possession of any property of the charity, or to be subject to any trust, duty, or charge for the benefit thereof:

Persons having the possession or control of any documents concerning the charity, or any property thereof:

And all other persons whose evidence the board or such commissioner or inspector shall think material to the matter in question:

And the board or such commissioner or inspector may require the persons rendering or making any such account, statement, or answer to verify the same by oath or otherwise, and may administer such oath.

7. Power to require transmission of deeds and documents belonging to charities.

8. Power to require trustees and others to attend (within ten miles of abode) and be examined.

9. Precepts or orders for the preceding purposes, how to be made.

10. Persons not complying with requisitions, &c. to be deemed guilty of a contempt of the Court of Chancery.

11. Persons making false returns or answers guilty of misdemeanour.

12. Power for the board to employ assistant inspectors and agents.

13. Power to allow remuneration to assistant inspectors and agents, and expenses to witnesses, and to charge the charity funds.

14. The board shall have power, subject to the appeal hereinafter provided, to make orders for the following purposes, and which shall be effectual for the same purposes accordingly; that is to say,

- (1). For the appointment of trustees of any charity in the place of any former trustees, or in addition to the existing trustees, or where there may be no trustees :
  - (2). For the removal of any trustees thereof for sufficient cause :
  - (3). For vesting any real estate of a charity, except copyhold hereditaments, but including leaseholds, in the trustees thereof for the time being, and for vesting in them any copyhold hereditaments, with the consent of the lord of the manor for the time being, or for enabling any person to surrender the same to the use of such trustees :
  - (4). For entitling such trustees to call for a transfer of any stock in the public funds, or of any shares or stock of any public company respectively, belonging to the charity, and for vesting in them all personal estate thereof, including choses in action, and a title to sue for the same :
  - (5). For vesting any real estate of a charity, except copyhold hereditaments, but including leaseholds, and for vesting any copyhold hereditaments, with the consent of the lord of the manor for the time being, in the official trustee of charity lands :
  - (6). For the payment, transfer, or deposit of any principal monies, stock in the public funds, or stock or shares of any public company, or securities belonging to a charity, to or with the official trustees of charitable funds :
  - (7). For entitling such official trustees to call for the transfer of any such stock or shares :
  - (8). For removing, after inquiry, any officer of a charity unfit for or neglecting the discharge of his duties, or for misconduct, or other sufficient cause, but where there shall be a special visitor of the charity appointed by the founder, and not absent from the kingdom or under incapacity, with his consent :
  - (9). For assigning to any officer of a charity removed from or resigning his office a pension or retiring allowance, to be provided wholly or partly out of the income of his successor, or any income of the charity :
  - (10). For removing persons improperly placed or retained in any almshouse or charitable institution, and for establishing any proper objects of the charity therein :
  - (11). For ascertaining and declaring the proper objects of any charity :
  - (12). For establishing any such scheme for the administration of a charity as the Court of Chancery would have jurisdiction to establish.
15. It shall be lawful for the board to make orders for any of the foregoing purposes, either upon the application of any parties or of their own authority ; and the 43rd section of the principal act, which authorises the applications therein mentioned to be made by all or any of the trustees, or persons administering or claiming to administer, or interested in any charity, or any two or more inhabitants of the parish or place within which it is administered or applicable, shall not be construed to preclude such applications by any other persons authorised thereto by the certificate of the board.
16. The official trustees of charitable funds may be empowered to call for transfers to them of stock.
17. Power to apportion parochial charities after division of parishes.
18. Public notices to be given of orders of the board for the appointment or removal of trustees of any charity, or for establishing any scheme for the administration or for apportioning the benefits thereof.
19. Proceedings upon the receipt of objections or suggestions.
20. The Attorney-General, or any trustee or person administering or interested, or claiming to be interested, in any charity, the subject of any order of the board made under the foregoing powers, and not being an order for vesting any real or personal estate of the charity in the trustees thereof, or in the official trustee of charity lands or charitable funds, or two inhabitants of any place within which the charity shall be applicable, or any person aggrieved by the same order, may, within three months after the publication thereof, but not afterwards, present a petition to the Court of Chancery, in a summary way, appealing against such order, and praying such relief as the case may require ; and the Court, upon the hearing of such petition, may confirm, vary, reverse, or annul the order appealed against, or remit such order to the board for recon-

sideration, with or without any declaration in relation thereto, or may make any substitutive or other order in relation to the matter of the appeal, and respecting the costs, charges, or expenses incident thereto, as to the Court may seem just ; and the Court, before hearing such petition, or during the proceedings thereon, may require from the board the reasons for any order made by them ; but no such petition of appeal shall be presented by any person, other than the Attorney-General, until written notice of the intention to present the same shall have been delivered to the commissioners at their office, under the hand of the appellant or his agent, by the space of twenty-one days at the least previously.

21. The Attorney-General, if he think fit, may appear ex officio as the respondent upon any such appeal not made by himself ; and where the Attorney-General shall be the appellant, and in any other case in which he shall not think fit to appear as the respondent, the secretary of the commissioners, or any person appointed by them, may, by their authority, appear as the respondent ; and all such costs, charges, and expenses of the Attorney-General, or of the secretary or nominee of the commissioners, as the Court may direct to be paid, shall be provided and paid out of the property or income of the charity, or both, as the Court may direct.

22. Where any municipal corporation in England or Wales not named in Schedule (A.) or (B.) of the act of the 5 & 6 Will. 4, c. 76, "for the regulation of municipal corporations," or any of the members of such corporation in his or their corporate capacity, shall be seized or possessed, either solely or together with any person or persons elected by such corporation, or by any particular member or class of members of such corporation, of any real or personal estate, wholly or partly upon any charitable trusts, and where any corporation sole or aggregate shall be so seized or possessed, or shall have the management of any real or personal property of any charity, and shall also be recipients of the benefit thereof, it shall be lawful for the Court of Chancery, upon the petition of any person authorised by the board, or of the Attorney-General, to appoint trustees for the management of the charity, or of any real or personal estate thereof, and to order that any such real or personal estate shall be vested in, or shall be transferred or paid to, such trustees, or to the official trustees of charity lands or charitable funds respectively ; and any order for vesting any real estate in such trustees or trustee shall be effectual without any assurance ; and any order for vesting any stock in the public funds, or any stock or shares in any public company, in the newly-appointed trustees, or in the official trustees of charitable funds, may also entitle them to call for a transfer of such stock or shares respectively ; and any real or personal estate of which any such corporation, or any members thereof, shall not be divested, but of which new managing trustees shall be appointed, shall be held upon trust to be disposed of according to the direction of such managing trustees.

23. The secretary for the time being of the board shall be a corporation sole, by the name of the "Official Trustee of Charity Lands," for taking and holding charity lands, and by that name (instead of the name of "Treasurer of Public Charities") shall have perpetual succession ; and all land, or estates or interests in land, now vested in the "Treasurer of Public Charities" by that name, shall become, upon the passing of this act, and by virtue thereof, vested in like manner, and upon the same trusts, in the "Official Trustee of Charity Lands ;" and all provisions of the principal act which have reference to the "Treasurer of Public Charities" shall operate as if the name of the "Official Trustee of Charity Lands" had been used therein instead of the name of "Treasurer of Public Charities."

24. The acting trustees to grant leases, notwithstanding the legal estate is in the official trustee.

25. The Lord Chancellor may from time to time, by writing under his hand, appoint any persons to be the official trustees of charitable funds, and remove any such trustees ; and every such appointment or removal shall be published in the London Gazette.

26. The present official trustees of charitable funds, and their successors to be so appointed, shall have perpetual succession by the name of the "Official Trustees of Charitable Funds," and may hold by that name stock in the public funds, and stock and shares of any public company, securities, and monies, which shall respectively devolve to their successors, the official trustees of charitable funds for the time being, without transfer or assignment.

27. Funds to vest in the official trustees for the time being.

28. The official trustees to keep banking account.

29. All orders for payment of any money held upon such banking account shall be signed by one at least of the official trustees of charitable funds, not being the secretary of the board, and also by the secretary, and shall be countersigned by one of the commissioners, or shall be otherwise signed or authenticated in such manner as the Lord Chancellor shall from time to time, by order under his hand, direct; and such orders shall be a sufficient authority to the bankers paying the same for all such payments.

30. All principal monies belonging to any charity directed to be paid to the official trustees of charitable funds shall be paid to their account at such bank, and subject to any order of the court or judge or of the board by which respectively the payment shall have been authorised, shall be forthwith invested in the public funds in the names of the official trustees of charitable funds, for the benefit of the charity to which they shall belong.

31. Payments to the banking account, how to be made.

32. No transfer of any stock, shares, or securities shall be made to the official trustees of charitable funds, nor shall any money other than the dividends or interest of any such stock, shares, or securities as aforesaid be paid to their account, except in pursuance of an order of the Court of Chancery, or of some judge thereof, or of a district court of bankruptcy or county court, or of the board; and no transfer of any such stock, shares, or securities shall be made by the official trustees except under the order of such court or judge, or under the order of the board signed by two commissioners, or authenticated in such manner as the Lord Chancellor shall from time to time, by any order under his hand, direct; and no transfer to or by the official trustees shall be permitted by the Governor and Company of the Bank of England, or any other company, contrary to this provision.

33. Copies of orders affecting the account of the official trustees to be sent to the board.

34. The board may require the Governor and Company of the Bank of England, or any public company, to suspend the transfer or the payment of dividends of any stock in the public funds, or any stock or shares of such public company, to which any charity shall be entitled, so that their order shall specify the stock or shares to be affected thereby, and the persons in whose names the same shall be standing, and the charity entitled thereto; and such order served on the said governor and company, or any public company, until revoked by the board or discharged, shall have the like effect as a distringas for the same purposes served upon the said governor and company or other company; but any such order may be discharged by the Court of Chancery or a judge thereof, who may make the like order in relation thereto as in the case of an application to discharge a distringas.

35. Indemnity to the Bank and others.

36. It shall not be lawful for any trustees, or persons acting in the management of a charity, to grant, without the approval of the board, any lease of the charity lands in reversion after more than three years of any existing lease, or for any term of life, or in consideration, wholly or in part, of any fine.

37. So much of sect. 21 of the principal act as requires a compulsory provision to be inserted in every mortgage for the payment of the principal money borrowed by annual instalments, and for the redemption and reconveyance of the mortgaged estates within the period of not more than thirty years, is hereby repealed; but the board authorising any mortgage to be made of any charity estate may, by the same or any other order, direct the trustees of the charity to discharge the principal debt, or any part thereof, by equal yearly instalments, within thirty years from the date of the security, or to form an accumulation or sinking fund out of the income of the charity for discharging the principal debt, or any portion thereof, within the same period, and may give any directions as to the investment and accumulation of such fund, and the trustees for the time being of the charity shall carry such order into effect.

38. Extension of power of board as to compromise of claims.

39. Board may authorise partitions of charity estates.

40. Board may authorise payments for equality of exchange or partition.

41. Exchanges or partitions authorised to be made by order

of the board as under the General Inclosure Act. In case of church land, consent of ordinary and patron is required.

42. Public notice to be given of exchange and partitions.

43. Power to ascertain lands charged with rents to charities.

44. Expenses of exchanges and partitions, and determining application of charges.

45. Incorporated charities, and trustees for charities, may, with consent of board, re-invest in land.

46. Order of board for investments to be carried into effect, and costs to be raised.

47. All leases, sales, exchanges, partitions, and transactions authorised by the board under the principal act or this act shall be valid and effectual, notwithstanding any prior disabling act applicable to the specific charity.

48. Power to refer bills of costs in charity matters to taxation.

49. Sect. 27 of the Charitable Trusts Act, 1853, shall be construed and operate as if the words "and the trustees of the charity shall be legally authorised to purchase and hold such land" had been omitted therefrom; and incorporated trustees of any charity shall be competent to purchase and hold lands for the purposes mentioned in the same section without license in mortmain.

50. Deeds, wills, and documents relating to charities may be inrolled at the office of the board, and copies of inrolment to be evidence.

51. Office of the commissioners substituted for the office of registrar of county courts judgments, for the purposes of sect. 55 of principal act.

52. Sect. 61 of the Charitable Trusts Act, 1853, except so much thereof as enacts that the trustees or persons acting in the administration of every charity shall, in books to be kept by them for that purpose, regularly enter or cause to be entered full and true accounts of all money received and paid respectively on account of such charity, shall be repealed as to all accounts which such trustees or administrators shall not have been bound to render before the passing of this act; and the trustees or administrators of every charity shall, on or before the 25th March in every year, or such other day as may be fixed for that purpose by the board, or as may have been already fixed for rendering the accounts thereof required by the principal act, prepare and make out the following accounts in relation thereto; that is to say,

- (1). An account of the endowments of the charity, shewing, in the case of realty not in hand, the manner in which the same is let or occupied, and in the case of personality, the existing investment or employment thereof, and in what names such investments are made, and shewing the gross income arising or which ought to have arisen from the said endowments during the year ending on the 31st December then next preceding, or on such other day as may have been fixed by the board in this behalf;
- (2). An account of all balances in hand at the commencement of the year, and of all monies received during the same year on account of the charity, with the dates of such receipts, and a statement of deductions and allowances, if any, from the gross amount;
- (3). A particular account for the same period of all payments, with the dates of such payments;
- (4). An account of all monies owing to or from the charity: Which accounts shall be certified under the hand of one or more of the said trustees or administrators, and shall be audited by the auditor of the charity, if any; and the said trustees or administrators shall, within fourteen days after the day appointed for making out such accounts, deliver or transmit, free of charge, one copy thereof to the commissioners at their office in London, and one copy thereof to the clerk of the county court or each county court within the district of which the charity is applicable; or where the charity is applicable in the districts of more than one county court, then to the clerk or clerks of such one or more of the same courts as the board may direct; and where the charity is applicable in the city of London or the liberties thereof, or any adjoining precincts or extra-parochial places not within the jurisdiction of a county court, then to the clerk of the Sheriff's Court of London having jurisdiction under the provisions of the London (City) Small Debts Extension Act, 1852; and every copy received by the clerk of any county court, or of such last-mentioned court, of such accounts, shall be kept and registered by him without fee or reward, and shall be open to the inspection of

all persons at all seasonable hours, on payment of 1s. for every inspection; and any person may require a copy of every such account, or of any part thereof, on paying therefore to the clerk in whose custody it shall be after the rate of 2d. for every seventy-two words or figures.

53. Board may make orders as to delivery and publication of account by trustees, and as to the form thereof.

54. Trustees wilfully omitting to make returns of account to be deemed guilty of a contempt of Court of Chancery.

55. What to be evidence of wilful omission.

56. Exemption of charities supported by voluntary contributions not to extend to real estate and permanent investments belonging to them.

57. Provision enabling members of exempted charities to submit disputes to commissioners extended to other charities.

58. Amendment of interpretation clause.

59. Short title.

## GAZETTES.—FRIDAY, April 20.

### BANKRUPTS.

GEORGE JESSOP, Cliftonville, Hove, Sussex, dealer and chapman, May 4 at 12, and June 1 at half-past 11, London: Off. Ass. Canna; Sols. Kennett, Brighton; Sowton, 6, Great James-street, Bedford-row.—Pet. f. April 19.

RICHARD JOHN ORGLES, Kingsland-road, Shoreditch, dealer and chapman, April 27 and June 1 at 2, London: Off. Ass. Whitmore; Sols. Symes & Co., 33, Fenchurch-street.—Pet. f. April 11.

WILLIAM GITTUS, Isleham, Cambridgeshire, dealer and chapman, May 2 at 2, and May 29 at 1, London: Off. Ass. Graham; Sols. Miller & Co., Norwich; Sole & Co., 68, Aldermanbury.—Pet. f. April 11.

WILLIAM FITCH, Old Fish-street-hill, Upper Thames-street, wholesale stationer, May 8 at 11, and May 29 at half-past 1, London: Off. Ass. Graham; Sol. Brisley, 4 Pancras-lane, Cheapside.—Pet. f. April 19.

GEORGE GREENFIELD, Upper Holloway, bricklayer, May 1 at half-past 2, and May 29 at 12, London: Off. Ass. Edwards; Sol. Seaman, 12, Pancras-lane, Cheapside.—Pet. f. April 18.

JOSEPH BROOKS, Bocking, Essex, wheelwright, April 28 at half-past 11, and June 16 at 1, London: Off. Ass. Pennell; Sol. Taylor, 24, John-street, Bedford-row.—Pet. f. April 17.

EDWARD LAWRENCE KYLE, Reading, licensed victualler, May 2 at 1, and June 21 at 12, London: Off. Ass. Nicholson; Sols. Smith, Reading; Nichols & Clarke, 9, Cook's-court, Lincoln's-inn.—Pet. f. April 18.

FREDERICK WILLIAM LISTER, Great Queen-street, Lincoln's-inn-fields, and Southampton-row, Russell-square, dealer and chapman, April 27 at half-past 12, and June 9 at 12, London: Off. Ass. Nicholson; Sol. Leveron, 12, St. Helen's-place.—Pet. f. April 7.

WILLIAM PARTRIDGE the elder, Birmingham, builder, May 2 and 23 at half-past 10, Birmingham: Off. Ass. Christie; Sol. Reece, Birmingham.—Pet. d. April 18.

GEORGE HARGRAVE MORGAN, Hereford, dealer and chapman, (trading under the style or firm of George Morgan), May 4 and 26 at 11, Birmingham: Off. Ass. Whitmore; Sols. Gwillim, Hereford; Suckling, Birmingham.—Pet. d. April 14.

WILLIAM MORGAN, Bristol and Bath, dealer and chapman, May 1 and 29 at 11, Bristol: Off. Ass. Miller; Sol. Harris, Bristol.—Pet. f. April 19.

EDWIN ADOLPHUS LOCK, Curry Rivell, Somersetshire, dealer and chapman, May 2 and 31 at 1, Plymouth: Off. Ass. Hirtzel; Sols. Slade & Vining, Yeovil; Terrell, Exeter.—Pet. f. April 19.

GEORGE HAWKE, Polruan, (and not Pobruan, as before advertised), Cornwall, dealer and chapman, April 26 and May 31 at 1, Exeter: Off. Ass. Hirtzel; Sol. Elworthy, Plymouth.—Pet. f. April 7.

LOUISA BROWETT, Bradford, innkeeper, April 30 at 11, and June 4 at half-past 12, Leeds: Off. Ass. Hope; Sol. Blackburn, Leeds.—Pet. d. April 17.

JOSEPH PRESCOTT, Liverpool, dealer and chapman, May 3 and 24 at 11, Liverpool: Off. Ass. Turner; Sols. Lowndes & Co., Liverpool.—Pet. f. April 14.

JAMES STEVENSON, Liverpool, provision dealer, May 3 and 24 at 11, Liverpool: Off. Ass. Bird; Sols. Evans & Son, Liverpool.—Pet. f. April 11.

JAMES WOOLLEY, Manchester, dealer and chapman, May 4 and 24 at 12, Manchester: Off. Ass. Hernaman; Sols. Cobbett & Wheeler, Manchester.—Pet. f. April 11.

DAVID NORBURY, Alderley, Cheshire, butcher, April 30 and May 23 at 12, Manchester: Off. Ass. Pott; Sol. Hardman, Manchester.—Pet. f. April 16.

THOMAS HOLDER, Macclesfield, dealer and chapman, May 4 and 24 at 12, Manchester: Off. Ass. Hernaman; Sols. Parrott & Co., Macclesfield.—Pet. f. April 16.

JOHN MOSELEY, Macclesfield, dealer and chapman, May 3 and 24 at 12, Manchester: Off. Ass. Hernaman; Sol. Taylor, Manchester.—Pet. f. April 17.

### MEETINGS.

*Isaac Potheary and Wm. Symes*, Nuttshalling, Southampton, boarding-house keepers, April 30 at 12, London, last ex.—*Robert Ewin*, High-street, Islington, upholsterer, April 27 at 11, London, last ex.—*Ralph Pickstone and Ambrose Mayall*, Ashton-under-Lyne, cotton spinners, May 1 at 12, Manchester, last ex.—*T. Deane*, Blackburn, draper, May 1 at 11, Manchester, last ex.—*Thomas Bell*, Jarrow, Durham, alkali manufacturer, May 2 at 11, Newcastle-upon-Tyne, last ex.—*James Howell*, Judd-street, Brunswick-square, builder, May 1 at half-past 1, London, aud. ac.—*William J. Fisher*, Brick-lane, Spitalfields, linendraper, May 3 at half-past 12, London, aud. ac.—*Henry John Betjemann*, New Oxford-street, chair manufacturer, May 8 at 11, London, aud. ac.—*Wm. Thomas Ashwin*, Montpelier-vale, Blackheath, chemist, May 2 at 12, London, aud. ac.—*W. E. Champion*, Addington-terrace, East India Dock-road, Limehouse, brick merchant, May 2 at 2, London, aud. ac.—*James Hammond*, Chancery-lane, furniture dealer, May 2 at 12, London, aud. ac.—*Richard Beck*, Blackman-street, Southwark, watchmaker, May 2 at half-past 12, London, aud. ac.; May 11 at 1, div.—*Henry Byrse*, Brighton, builder, May 2 at half-past 1, London, aud. ac.—*George B. Hussey*, Plymouth, innkeeper, May 7 at 11, Plymouth, aud. ac.—*Wm. Henry Miners*, Plymouth, grocer, May 7 at 11, Plymouth, aud. ac.—*George C. Pawling and Robert C. Sharp*, Manchester, merchants, May 9 at 12, Manchester, aud. ac.; May 16 at 12, div.—*Walter Milligan, William Gandy, and George Gandy*, Bradford, Yorkshire, stuff merchants, May 3 at 11, Leeds, aud. ac. sep. esta. of *Walter Milligan and William Gandy*.—*William Eggleston*, Halifax, stuff merchant, May 3 at 11, Leeds, aud. ac.—*Thomas John Holloway*, Salisbury, rope manufacturer, May 11 at 11, London, div.—*Antoni Forrer*, Regent-street, jeweller, May 11 at 11, London, div.—*Joseph Lough*, Great Queen-street, Lincoln's-inn-fields, blacking manufacturer, and *J. J. Limebeer*, St. James's-street, boot maker, May 12 at 2, London, div.—*Wm. L. Dowie*, Manchester, tailor, May 15 at 12, Manchester, div.—*James Aitken*, Liverpool, draper, May 11 at 11, Liverpool, div.—*R. Liddell*, Doncaster, saddler, May 12 at 10, Sheffield, div.—*George Hobson*, Leeds, grocer, May 11 at 11, Leeds, div.

### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Robert Norman*, Histon, Cambridgeshire, grocer, May 11 at half-past 1, London.—*Thomas Whitford Nichols*, York-road, Battersea, candle manufacturer, May 11 at 2, London.—*Wm. Christopher Hardy*, Hillingdon, Middlesex, plumber, May 11 at half-past 1, London.—*Samuel Barnett*, Wellington-road, Liverpool-road, builder, May 11 at 12, London.—*Simon Oates*, Cambridge, builder, May 11 at half-past 1, London.—*J. Scott*, Trinity-square, Tower-hill, ship chandler, May 11 at half-past 12, London.—*Wm. Ludlow Palin*, Mortlake, cooper, May 12 at half-past 12, London.—*Chas. Maidlow*, Adelaide-terrace, Westbourne-grove, builder, May 14 at 12, London.—*Llewellyn Wallington*, Bridgend, Glamorganshire, grocer, May 22 at 11, Bristol.—*Geo. Major*, Swindon, Wiltshire, builder, May 22 at 11, Bristol.—*Richard Lear Muford*, Torquay, tailor, May 24 at 1, Exeter.—*Benjamin Bray and William Bray*, Okehampton, nursery gardeners, May 24 at 1, Exeter.—*Clifford Firth and John Archer*, Liverpool, brokers, May 15 at 11, Liverpool.

*To be granted, unless an appeal be duly entered.*

*John Sturgis*, Maidstone, baker.—*James Bird*, Canton,



near Cardiff, lime manufacturer.—*David E. Davies*, Pontypridd, Glamorganshire, grocer.—*John Carver*, Liverpool, licensed victualler.—*Thos. Hodson Hodson*, Peckforton, near Beeston, Cheshire, cattle dealer.—*John W. Shaw*, Liverpool, passenger broker.—*W. Brook*, Manchester, stuff merchant.

## ADJUDICATION ANNULLED.

*Henry Phillips*, Bethnal-green-road, corn chandler.

## TUESDAY, April 24.

## BANKRUPTS.

**JOHN APPLETON**, Sommerford-grove, Stoke Newington-road, dealer and chapman, May 4 at half-past 11, and June 7 at 1, London: Off. Ass. Johnson; Sol. Heath, 11, Artillery-place West, Finsbury.—Pet. f. April 17.

**DANIEL HARRIS**, late of Bowman's-place, Upper Holloway, Middlesex, and now of Sutherland-place, Sutherland-square, Surrey, dealer and chapman, May 4 at 11, and June 7 at 12, London: Off. Ass. Johnson; Sol. Dinm, 3, Great Knight Ryder-street, Doctors' Commons.—Pet. f. April 21.

**WILLIAM ALFRED PUTNAM**, Strand, china dealer, May 4 at 12, and June 7 at 2, London: Off. Ass. Bell; Sols. M'Duff, 37, Castle-street, Holborn; Lock, 9, Walpole-street, Chelsea.—Pet. f. April 24.

**DANIEL CUTTER** and **THOMAS HUNTER**, Regent-street, St. James's, Westminster, dealers and chapmen, May 4 at 12, and June 1 at half-past 11, London: Off. Ass. Cannan; Sols. Ford & Lloyd, 5, Bloomsbury-square.—Pet. f. April 13.

**JAMES LAMB**, **EDWARD LEWIS**, and **WILLIAM THOMAS ALLUM**, Wouldham, Kent, and Kingland-road, Middlesex, cement manufacturers, (trading under the firm or style of Thomas Freen, and not Fuen, as advertised in the Gazette of the 13th inst.), April 28 at half-past 1, and June 16 at 12, London: Off. Ass. Pennell; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. April 12.

**EDWARD PRITCHARD**, Monmouth, clothier, May 7 and 29 at 11, Bristol: Off. Ass. Hutton; Sols. Nicholas, Monmouth; Bevan & Girling, Bristol.—Pet. f. April 23.

**SAMUEL OLDFIELD**, **JOHN ALLAN**, and **EDWARD JOHN SINCLAIR COUZENS**, Huddersfield, woollen-cloth merchants, May 4 and June 15 at 11, Leeds: Off. Ass. Young; Sols. Bond & Barwick, Leeds.—Pet. d. April 21.

**JOSEPH WEBB**, Scarborough, Yorkshire, hotel keeper, May 4 and 25 at 11, Leeds: Off. Ass. Young; Sols. Preston, Leeds; Dimmock & Burbey, 2, Suffolk-lane, Cannon-street.—Pet. d. April 11.

**ANN GREGORY**, Liverpool, licensed victualler, May 9 and 28 at 11, Liverpool: Off. Ass. Cazenove; Sol. Payne, Liverpool.—Pet. f. April 20.

**BETTY WORSLEY** and **JAMES HEYS**, Helmsore, near Haslingden, Lancashire, dealers and chapmen, (carrying on business under the style of Worsley & Heys), May 11 and June 7 at 12, Manchester: Off. Ass. Hernaman; Sols. Cobbett & Wheeler, Manchester.—Pet. f. April 21.

**JOSIAH SNISSON**, **THOMAS SNISSON**, and **WILLIAM SNISSON**, Manchester, dealers and chapmen, May 10 and 25 at 12, Manchester: Off. Ass. Hernaman; Sol. Atherton, Manchester.—Pet. f. April 19.

**MARTIN BROWN** and **ROBERT INGHAM**, Rawten-stall, Lancashire, power-loom cloth manufacturers, May 9 and June 6 at 12, Manchester: Off. Ass. Fraser; Sols. Radcliffe, Blackburn; Hall, Accrington.—Pet. f. April 17.

## MEETINGS.

*Charles Kelly*, High-street, Kensington, and Baker-street, Portman-square, auctioneer, May 4 at half-past 11, London, last ex.—*W. Riley*, *James Lepton*, *Robert Halstead*, and *J. Haverthill*, Burnley, Lancashire, cloth manufacturers, May 11 at 12, Manchester, last ex.—*Frederick Futvoye*, Regent-st. and Beak-st., St. James's, Westminster, jeweller, May 8 at 2, London, and ac.—*John Sykes*, Little Tower-hill, clothier, May 8 at 1, London, and ac.—*Thomas John Holloway*, Salisbury, Wiltshire, rope manufacturer, May 4 at 11, London, and ac.—*Antoni Forrer*, Regent-street, jeweller, May 4 at 11, London, and ac.—*Jane Mary Bentley*, Dudley, Worcestershire, grocer, June 4 at half-past 10, Birmingham, and ac. and div.—*Thomas Ramsden* and *Wm. Bradford Baxter*, Bailiffe Bridge, Yorkshire, worsted spinners, May 21 at half-

past 11, Leeds, and ac.; at 12, div.—*John Sayer*, Sheffield, draper, May 5 at 10, Sheffield, and ac.—*James Holland* and *Edward Warden*, Preston, tallow chandlers, May 8 at 12, Manchester, and ac., and May 15 at 12, div., sep. est. of *Jas. Holland*.—*Salomias Sterne*, Great St. Helen's-chambers, Great St. Helen's, merchant, May 15 at 12, London, div.—*J. Dumble*, Sunderland, commission agent, May 16 at 12, Newcastle-upon-Tyne, div.—*J. Robson*, Durham, miller, May 16 at 11, Newcastle-upon-Tyne, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*John Hogarth*, Rotherhithe-street, Rotherhithe, iron merchant, May 17 at half-past 11, London.—*Jas. Norton Weeks*, East Cowes, Isle of Wight, hotel keeper, May 16 at half-past 2, London.—*Henry Byrke*, Brighton, builder, May 16 at 12, London.—*Thomas Henry Rees*, Aldine-chambers, Paternoster-row, printer, May 16 at 1, London.—*Thomas Wm. Horder*, Minorities, and Barrington-road, Brixton, chemist, May 16 at 1, London.—*William Edmund Champion*, Addington-terrace, East India Dock-road, Limehouse, brick merchant, May 16 at half-past 12, London.—*Alfred Tunstall*, Park-villas, Northumberland-park, Tottenham, electro plater, May 16 at half-past 2, London.—*Francis Edward Bingley*, Grove-terrace, St. John's-wood, and Somerset-terrace, Pimlico, share broker, May 15 at 1, London.—*Victor Bauer*, Lilypot-lane, St. Martin's-le-Grand, merchant, May 15 at 12, London.—*Henry Mills*, Great Portland-street, Marylebone, tobacconist, May 15 at 1, London.—*James Crouch* and *Job Crouch*, Wimbledon, Surrey, builders, May 17 at 1, London.—*Henry Brown*, Marden, Kent, potter, May 17 at 11, London.—*George Hutchison*, Palace-row, New-road, timber merchant, May 15 at 2, London.—*William Brown Nash*, College-hill, Cannon-street West, wine merchant, May 17 at 12, London.—*John Dickie* and *David Dickie*, Portsea, drapers, May 17 at 12, London.—*Edward Hodges Bailly*, Newman-street, Oxford-street, and Crescent, Camden-road villas, sculptor, May 17 at 2, London.—*Thomas Wright Lawford*, Tivydail, Carmarthenshire, market gardener, May 22 at 11, Bristol.—*William Randle*, Cheltenham, miller, May 18 at 11, Bristol.—*John Boddington*, Manchester, malt factor, May 16 at 12, Manchester.—*Samuel Garratt* and *Henry Buckley*, Sand-mill, near Mottram in Longdendale, Cheshire, innkeepers, May 16 at 12, Manchester.—*John Smith*, Horton, Bradford, innkeeper, June 5 at 1, Leeds.—*Nathan Clough*, Bradford, painter, June 4 at 1, Leeds.—*George Simpson*, Church Fenton, Yorkshire, chicory merchant, May 22 at 12, Leeds.—*John William Dobson*, Leyburn, Yorkshire, common brewer, June 5 at 12, Leeds.—*Jane Mary Bentley*, Dudley, grocer, May 21 at half-past 10, Birmingham.—*John Jones*, Manchester, innkeeper, May 16 at 12, Manchester.

To be granted, unless an Appeal be duly entered.

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LONDON, MAY 5, 1855.

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Mr. Justice Story, in his work on Agency, sect. 217, says, "An agent is not ordinarily permitted to set up the adverse title of a third person to defeat the rights of his principal, against his own manifest obligations to him, or to dispute his title. If, therefore, he has received goods from his principal, and has agreed to hold them subject to his order, or to sell them for him, and to account for the proceeds, he will not be allowed to set up the adverse title of a third person to the same goods to defeat his obligations\*. An exception, however, is allowed where the principal has obtained the goods fraudulently or tortiously from such third person. (*Hardman v. Wilcock*, 9 Bing. 382)." And in

\* *Holl v. Griffin*, (10 Bing. 246); *Harman v. Anderson*, (2 Camp. 243); *Stonard v. Dunkin*, (Id. 344); *Dixon v. Hemond*, (2 B. & Al. 310); *Gosling v. Birnie*, (7 Bing. 339); *White v. Bartlett*, (9 Bing. 378); *Roberts v. Ogilby*, (9 Price, 269); *Nicholson v. Knowles*, (5 Mad. 47); *Kirwan v. Sanders*, (6 Ad. & El. 515); *Hawes v. Watson*, (2 B. & Cr. 540); *Crawshaw v. Thornton*, (7 Sim. 391).

a note to the above passage he says, "We are carefully to distinguish those cases where the suit is brought by the principal from those where the suit is brought by a third person, claiming the property against the agent. The rights of the latter to maintain the suit are not affected by anything that has passed between the principal and agent. If such third person has a good title to the goods, he may recover them, notwithstanding the bailment. (See *Ogle v. Atkinson*, 5 Taunt. 789; *Wilson v. Anderton*, 1 B. & Ad. 450; and *Story on Bailments*, s. 102). There is a dictum in *Ogle v. Atkinson*, by Gibbs, C. J., which contradicts the text, in which he refers to a point made, that the defendants (the agents) cannot refuse to deliver up the goods to the plaintiff, (the principal), from whom they received them; and then he says, 'But if the property is in others, I think that they (the agents) may set up this defence.' This dictum has since been treated as untenable. (See *Gosling v. Birnie*, 7 Bing. 339; *Paley on Agency*, by Lloyd, 80, 81, and note, Id. 63)." In the above passages, and again in *Story on Bailments*, ss. 450, 582, Mr. Justice Story lays down the rule broadly, that, except in cases where the principal has obtained the goods fraudulently or tortiously from the real owner, the agent cannot set up as a defence to an action by his principal for the goods, that they in fact belong to a third person, and have been claimed by him. He treats the dictum of Gibbs, C. J., as untenable, and assumes, that although the goods may have been duly claimed by a third party, who is in fact the real owner, and to whom the agent would be liable in an action, yet, in cases other than those above excepted, the agent cannot, in an action by his principal, set up the title and claim of such third party. The rule, as above stated, would lead to this palpable injustice, that the agent might, without any laches on his part, be liable, on the one hand, to an action by the real owner, if he refuse to deliver the goods to him; and, on the other

to an action by his principal, if he comply with the real owner's demand, or refuse to deal with the goods according to the directions of his principal; and from this dilemma the agent would have no means of escape; for he cannot, after notice of the real owner's claim and demand, duly made by him, defend himself from such claim by delivering the goods to the person from whom he received them, the refusal to deliver to the owner on demand being evidence of a conversion. (Per Tenterden, C. J., in *Wilson v. Anderson*, 1 B. & Ad. 456). Neither could he, if Mr. Justice Story's position be correct, discharge himself by a delivery to the true owner, except where the principal obtained the goods fraudulently or tortiously, for that position is based on the assumption that the agent is estopped from shewing that his principal was not entitled. Further: in such a case, if the real owner claims by title paramount to that of the principal, the agent cannot interplead; for, as between principal and agent, the latter is entitled to an interpleader order only where the adverse claimant relies on a title derived from the principal, and not upon a title paramount. (*Crawshaw v. Thornton*, 2 My. & C. 23). An interpleader order will be granted only in those cases in which the party seeking to compel the several claimants to interplead is under no liability to either of them beyond that which arises from the title to the property in contest, and the whole rights of the rival claimants can be determined by the litigation between them; (Id. 19); but an agent, receiving goods for or on account of his principal, incurs a personal liability to him, and may by his own acts have rendered himself liable to his principal independently of the question of title—as by agreeing to hold the goods for his principal after notice of the adverse claim, (*Gosling v. Birnie*, 7 Bing. 339), or by putting the principal in a position to incur a liability, which he did incur in consequence of the agent agreeing to hold the goods on his behalf. (*Hawes v. Watson*, 2 B. & Cr. 541). In these cases, if a third party claim under a title paramount to that of the principal, no litigation between the claimants could ascertain their respective rights as against the agent; and the order to interplead, by staying any action by the principal against the agent, might deprive him of part of his legal right, without affording him any equivalent compensation. The Courts will not, upon an application for an interpleader order, try the question, whether or not such circumstances, giving the principal a right independently of the right to the property in the goods, exist\*, but will leave the agent to plead the title and claim of the third party to the action brought against him by his principal. (Per Alderson, B., in *Horton v. The Earl of Devon*, 4 Exch. 499).

It is submitted, however, that the meaning of the dictum of Gibbs, C. J., in *Ogle v. Atkinson*, that the agent may set up property in others against his principal, is, not that an agent may of his own mere motion set up the title of a third person, without any demand having been made by him, but that ordinarily the mere fact that a party has received, or agreed to hold,

goods as the agent of another, will not preclude him from setting up, in answer to a claim by his principal, that the goods really belong to a third person, and have been duly demanded by him; and that to this extent, and in the absence of any special circumstances beyond the mere fact of the agency—as that the agreement to hold for the principal was made after notice of the adverse claim, or that the principal was induced by such agreement to incur some liability, or otherwise alter his position—the above dictum is sound, and is not overruled by or inconsistent with any of the authorities cited by Mr. Justice Story. There is, indeed, one case cited by Mr. Erskine, arguendo, in *Laclough v. Towle*, (3 Esp. 115), as having been decided by Gould, J., to the effect that a carrier, who has received goods from the plaintiff to carry, which were afterwards claimed by a third person, with whom the carrier agreed that upon receiving an indemnity he would retain the goods, and would not deliver them according to the orders of his principal, could not be permitted to set up any question of property out of the plaintiff, and was precluded from shewing a property in any other person; and Lord Kenyon admitted the authority of the case cited as law. But this decision at Nisi Prius was previous to the dictum in *Ogle v. Atkinson*, and was explained and distinguished by Littledale, J., in his judgment in *Wilson v. Anderson*, which strongly supports the position laid down by Gibbs, C. J. The action was by the real owner of goods against an agent, into whose custody they had been delivered by a third person; and Littledale, J., commenting on the case before Gould, J., said, "There the carrier, on the goods being demanded by a third party, voluntarily identified himself with that party, by proposing to retain them on an indemnity, and offering to set up the title of that party in an action by the bailor. Now, a lessee cannot dispute the title of his lessor at the time of the lease, but he may shew that the lessor's title has been put an end to; and therefore, in an action of covenant by the lessor, a plea of eviction by title paramount, or that which is equivalent to it, is a good plea, and a threat to distrain, or bring an ejectment, by a person having good title, would be equivalent to an actual eviction." So here, if the bailor brought an action against the defendant as bailee, the latter might, on the same principle, shew that the plaintiff recovered the value of the goods, or that, on being threatened with an action by a person who had good title to the goods, he had delivered them to him."

Now, if shewing a valid title in a third person, and a delivery to him under the threat of an action, would, as stated by Littledale, J., constitute an answer to the action, it is difficult to see why the title of the third party, and a demand by him, should not also be an answer; in the former, as in the latter, the strict rule that the agent cannot shew title in another is broken in upon; in neither case can the agent shew a good defence unless he proves that the third party has, in fact, a valid title to the goods; and as, in order to complete his defence, where actual delivery has not been made to the owner, he must shew a demand by him, the defence does not appear to be open to the objection that the agent may be seeking to defeat his principal's claim in order to retain the goods for his own benefit.

\* *Crawshaw v. Thornton*, (2 My. & C. 1); *Dalton v. The Midland Railway Company*, (12 C. B. 462, per Jervis, C. J.)

The agent, unless indemnified by the claimant, would reasonably desire to retain the goods in his possession until the action by his principal against him is decided; for if he fail to prove the claimant has a valid title, he must deliver up the goods, or their value, to his principal; and the difficulty and hardship of his position would be materially increased, if, notwithstanding he acted upon the bona fide belief that the claimant had a good title, and that therefore he was liable to him, yet he could not set up this liability as a defence against an action by his principal without delivering the goods to the claimant, and incurring the additional risk attending such delivery. We will now proceed to consider the cases cited by Mr. Justice Story. In *Harmas v. Anderson*, (2 Camp. 243), the purchaser of goods, having obtained from the seller an order for their delivery, lodged it with the warehouseman in whose possession the goods were, and the latter transferred them in his books into the name of the purchaser, and debited him with warehouse rent. The purchaser afterwards became bankrupt, and his assignees claimed the goods, but the defendant delivered them back to the seller; and the Court held, that the transfer into the purchaser's name was tantamount to a complete delivery as between the vender and vendee; the right to stop in transitu was therefore gone, and the warehouseman became the agent of and trustee for the purchaser; the plaintiffs, his assignees, were, in fact, the real owners of the goods, and the seller, whose title the defendant set up, had no valid claim. So, in *Stoward v. Dunkin*, (2 Camp. 344), the defendant, a warehouseman, on receiving an order from the seller of a quantity of malt to hold it on account of the plaintiff, who advanced 7500*l*. on the security of the malt, gave a written acknowledgment that he so held it; the seller became bankrupt, and his assignees having claimed the malt, the defendant refused to deliver it to the plaintiff, on the ground that by the custom of the malt trade the property in the malt was not transferred until it was remeasured. Lord Ellenborough said, "It is clear the defendant cannot say to the plaintiff, 'The malt is not yours,' after acknowledging to hold it on his account." It will be observed, that in this case the seller, by giving the order to hold the malt on account of the plaintiff, had done all that was necessary on his part to cause the due transfer of the malt to the plaintiff, and the defendant was endeavouring to set up his own omission to do what was necessary to enable him to comply with the seller's order to transfer the malt, in opposition to his written acknowledgment to the plaintiff that he had so transferred the malt, and held it for him.

In *Hawes v. Watson*, (2 B. & Cr. 540), A. sold to B. a quantity of tallow then lying at the defendants' wharf, and on the same day gave to B. a written order on the defendants to weigh, deliver, and transfer the tallow: the tallow was not subsequently weighed, but B. resold it to the plaintiff, and obtained from the defendants, and handed to the plaintiff, a written acknowledgment that they had transferred the tallow to the plaintiff's account; the plaintiff thereupon gave B. his acceptance for the price of the tallow. B. stopped payment, and A. gave the defendants notice not to deliver the tallow to B.'s order, on the ground, that as it had

not been weighed, the property had not passed to him. The Court held that A., by the order to weigh, transfer, and deliver, had enabled B. to resell the tallow, and the defendants having sent to the plaintiff an acknowledgment that they had transferred it to his account, they thereforth held the tallow as his agents; the possession thereof had passed to him, and the right of A. to stop in transitu was gone. Here, again, the plaintiff (the principal) was in fact the real owner, and A., whose title the defendants set up, had no valid claim. In this case, too, the plaintiff had, in consequence of the agents' (the defendants') acknowledgment, incurred a liability on his acceptance; and the Court relied also on this circumstance.

So, in *Hell v. Griffin*, (10 Bing. 246), the owner of goods, upon an advance of money by the plaintiff, handed to him a wharfinger's receipt for certain goods, together with the invoice, and at the same time directed the defendant, to whose wharf the goods were then in transitu, to deliver them on their arrival to the plaintiff. This the defendant promised the plaintiff to do. The goods afterwards arrived; and in an action of trover, the sole question was, whether the property in the goods had passed to the plaintiff, so as to entitle him to sue in trover; and the Court held that it had. Here, too, the principal suing was held to be the real owner. And it should be further observed, that in this case there was no claim by any third person at all, but the defendant was seeking of his own mere motion, without any adverse claim, to defeat the right which he had acknowledged in the plaintiff.

In *Kirvan v. Sanders* (6 Ad. & El. 515), the defendant had sold goods to the plaintiff as the sole purchaser, and received payment from him; the defendant apprised the warehouseman in whose hands the goods were of the sale, and ordered him to weigh the goods, which had been done, and the goods transferred into the name of the plaintiff in the warehouseman's books. Afterwards the defendant ordered the warehouseman to detain the goods, on the ground that one M. was interested in the goods as a joint purchaser, and that M.'s assignees had given the defendant notice not to part with the goods. In trover against the defendant, he proposed to prove the above statements; but the Court held, that the goods having been transferred in the usual way, the sale and delivery to the plaintiff was complete, and that therefore the defendant had no longer any right to detain the goods. Patteson, J., said, "The defendant, when he received notice from the assignees, should have said, 'It is too late; I have transferred the goods.'" This was not the case of an agent setting up the title of a third person against his principal, but a vendor seeking to detain the goods from the purchaser with whom he dealt, after a transfer, which amounted to a delivery to him.

It will be observed, too, that neither in this, nor in any of the four cases previously commented on, was the defendant (the agent) liable to be sued for the goods by the third party, whose title he set up. *Gee v. Birtie* (7 Bing. 339) is the case more especially relied upon by Mr. Justice Story as overruling the dictum of Gibbs, C. J. In that case A. had purchased timber of B., and paid part of the purchase money. B. sent the timber to the defendant's wharf, and ap-

prised him that it had been sold to A., who marked the whole of it, and paid to the defendant 18*l.* 9*s.* due from B. to the defendant for the cartage of the timber. Afterwards B. gave A. notice that unless he paid the balance of the purchase money the next day he should resell the timber; and he accordingly resold it to the plaintiff, and gave a written order to the defendant to deliver the timber to him upon payment of 18*l.* 9*s.* for the cartage. The defendant, upon receiving the order and the 18*l.* 9*s.*, said to the plaintiff, "Very well, I will hold the timber for you;" and afterwards delivered to the plaintiff a bill for wharfrage, saying, "These are the only charges on your timber." A. afterwards paid the balance of the purchase money to B. In trover by the plaintiff for the timber, the defendant set up as a defence that the timber belonged to A., but it does not appear from the report that any claim or demand of the timber had been made by A. of the defendant. *Bosanquet and Parke, J.J.*, it is true, likened the case to *Steward v. Dunbin* and *Hawes v. Watson*, the circumstances of which, on examination, will be found to be very different; but Lord Tenterden, C. J., and Park and Alderson, J.J., all relied on the fact that the defendant had agreed to hold the timber for the plaintiff with full knowledge of the circumstances of the previous sale to A., and without any mention of A. to the plaintiff; and Alderson, J., decided the case entirely on this ground, saying, "The defendant has repeatedly acknowledged the title of the plaintiff, with a full knowledge of the transaction as to the contract with A. Under these circumstances he cannot afterwards be allowed to dispute that title on grounds with which he was fully acquainted when he made the admissions."

In *Dixon v. Hamond* (2 B. & Al. 410) the defendant, an assurance broker, effected an assurance as agent for two partners, A. and B., on a ship the property of A., and charged them with the premiums. The ship was lost, and the underwriters paid the amount of the assurance to the defendant as agent for A. and B., for whom the policy had been effected. A. died, and B. became bankrupt; and in an action by the assignees of B., the surviving partner, for money had and received by the defendant to the use of A. and B., the defendant set up that he was accountable only to the executors of A., to whom the ship belonged. Abbott, C.J., said, "The legal title to the ship has nothing to do with this question." Bayley, J., said, "Here the defendant effected an assurance for both A. and B., and the underwriters paid the amount to him as the agent of both partners; then he must pay it over according to his duty as agent, viz. to the partnership." And Holroyd, J., said the money, though paid to the defendant, was the money of the partnership.

In *Roberts v. Ogilby* (9 Price, 269) the defendants had, as agents for the plaintiff, and by his directions, insured, on his account only, a vessel of which he was part owner, and had received the amount from the underwriters as his agents. Other parties interested in the vessel afterwards gave them notice not to pay over the money so received to the plaintiff; and in an action by the plaintiff for money had and received to his use, the defendants set up that the plaintiff was not entitled to sue alone, being part owner only. As observed by

Richards, C. B., "There was no privity between the other owners and the defendants. There was nothing out of which the other owners could make a claim against the defendants, whatever they might do against the plaintiff." And the Court held, that as the defendants were employed by the plaintiff alone, and as his agents recovered the money from the underwriters, they received it to his use, and must account to him for it. Neither in *Dixon v. Hamond* nor *Roberts v. Ogilby* had the parties whose title was set up by the defendants, the agents, any valid claim against them; in neither of them was there any such privity of contract between the adverse claimants and the agents who received the money as would enable such claimants to maintain an action against the agents for money had and received to their use; and it should be borne in mind that there is this distinction between goods and money, as to the liability of an agent to third persons—with respect to the former, the real owner may, without any privity between him and the defendant, recover in trover by virtue of his property in and right to the possession of the specific goods; but with respect to the latter, (unless, indeed, the money be in a bag or earmarked, so that the particular coin can be identified, in which case trover will lie), the plaintiff can recover only by reason of some contract, express or implied by law, to hold the money to the plaintiff's use; and although a privity of contract may be implied in many cases where the defendant has in the first instance improperly received money, yet, in the case of money received by an agent on account of his principal, he is accountable to that principal, and to him alone, though the principal may himself be answerable over to a third party, and there is no sufficient privity of contract in such case between the agent who received and the party ultimately entitled to the money to enable the latter to sue the agent. (*Stephens v. Badcock*, 3 B. & Ad. 364; *Williams v. Everett*, 14 East, 582; *Baron v. Hubbard*, 4 B. & Ad. 611). The recent case of *Tassell v. Cooper* (9 C. B. 509) was decided on the same principle as *Dixon v. Hamond* and *Roberts v. Ogilby*, namely, that the money having been received by the defendant from and for the use of the plaintiff, as between them the money was the plaintiff's, and he was liable to account to him, and to him alone. Of *White v. Bartlett* (9 Bing. 378) it is sufficient to say that it was not a case of an agent setting up the title of a third party, or disputing that of his principal. *Hardman v. Wilcock* (9 Bing. 382) was no doubt decided upon the ground that there the principal had obtained the goods fraudulently; and the Court relied upon this as distinguishing the case from some of those already alluded to, and seemed to assume that but for such fraud the title of the principal could not have been questioned; but it was not necessary to consider or decide that point, nor was it much argued.

*Tenant v. Elliott*, (1 B. & P. 3); *Farmer v. Russell*, (Id. 296); *Bousfield v. Wilson*, (16 M. & W. 185); and *Bettleley v. Reed*, (4 Q. B. 5, 11, 17), simply decide that an agent, who has received money or goods for his principal, cannot set up, in answer to an action by the principal to recover such money or goods, that the money was paid to him, the agent, by, or the goods were received by him from, a third party, under an

illegal contract between the latter and the principal, the third party himself not having taken the objection—a point on which the Court laid some stress in the decision of these cases. In *Betteley v. Reed*, Lord Denman, C. J., in giving judgment, said, “To allow a depositary of goods or money, who has acknowledged the title of one person, to set up the title of another *who makes no claim, or has abandoned all claim*, would enable the depositary to keep for himself that to which he does not pretend to have any title himself.” *Nicholson v. Knowles*, (5 Mad. 47); *Crawshay v. Thornton*, (7 Sim. 391; 2 My. & C. 1); *Paterni v. Campbell*, (12 M. & W. 278); *Dalton v. The Midland Railway Company*, (12 C. B. 458); and *Horton v. The Earl of Devon*, (4 Exch. 497), were all cases in which the only point decided was, that the agent was not entitled to compel his principal, and the third party claiming the property, to *interplead*; and it may well be that it would be a hardship on the principal to compel him to interplead, and simply to try the question of property with the adverse claimant, for that would deprive him of the benefit of any circumstances, beyond the mere fact of the agency, which might entitle him to recover against the agent independently of the question of the title to the property in contest; and it was upon this principle that the above cases were decided. But there is no such hardship in permitting the agent to *plead, in answer to the action by his principal*, the title and claim of the third party; for if any special circumstances exist which, as between the principal and his agent, entitle the former to maintain his action, independently of the mere question of title to the property in dispute, the principal may rely on these circumstances in *reply*, as an estoppel in pais to the agent’s defence of title in and claim by the third party. It is submitted, therefore, that all which the cases shew is, that an agent cannot for his *own benefit*, and in cases in which he is *not liable to any third party by whom a claim has been made*, dispute the title of his principal; nor can he do so when by his conduct, with a full knowledge of the adverse claim, or by wilfully inducing the principal to *alter his position*, he has estopped himself from disputing his liability to his principal; but that where the agent is liable to a third party by whom a claim has been made, the agent may, in the absence of any special circumstances beyond the mere fact of the agency, shew the title and claim of such third party in answer to an action by his principal.

#### NOTES OF THE WEEK.

A RULE NISI has been granted (May 1) in Mr. Barber’s case. Lord Campbell, C. J., said, “In the case of William Henry Barber, we have looked at the affidavits, and we think there ought to be a rule to shew cause. It is granted upon this express understanding, only in respect of any new matter that can be shewn to be disclosed by the affidavits. When the matter was a second time before the Court, and we refused the rule to shew cause, we gave a clear intimation that it was to be considered as final. In spite of this, we, being now told that there is new matter since discovered, gave permission to the application being renewed, but it was upon the express condition that it should be confined to matter subsequently discovered. The leave was accepted upon that condition, and when cause

comes to be shewn, we wish it to be understood that it is to be argued upon the ground, whether there be new matter disclosed by the affidavits which ought to alter the opinion we before formed and expressed.”

In the House of Lords, during a debate commenced by the Bishop of Exeter upon church rates, the Lord Chancellor and Lord Campbell, C. J., concurred in opinion, that under the present state of the law there is no mode by which the *making* of a church rate can be enforced, although, when made, payment of it can be compelled. The old remedies, by way of excommunication and interdict, are obsolete.

The same noble and learned Peers have expressed their opinions that soldiers need not be sent out of an assize town during the assizes, as has lately been the practice.

Mr. Bright, in the House of Commons, alluded to the case of Baranelli, the murderer, and stated that a medical witness was in court, having been subpoenaed by the prosecution, but it having been learned that his opinion was to the effect that the prisoner was insane, he was not called by the counsel for the Crown. He then asked the Secretary of State for the Home Department whether it was the custom of counsel for the Crown to take such advantage of prisoners placed in critical and desperate circumstances; and whether it was not the duty of counsel, in a case of this kind, to adduce all the evidence, in order that a prisoner might have every chance for his life which the law fairly gave him? Sir George Grey declined giving any opinion of his own on the subject, but stated that the learned judge (Mr. Justice Erle) who tried the prisoner did not think that the counsel had acted improperly, that the medical witness could have been called for the prisoner, and that his testimony had been brought to the notice of the judge.—This is a matter of great importance, and deserving of serious consideration by the Profession as well as by the public. Some discretion must be left with the prosecuting counsel; if he be judicious, and at the same time honourable and humane, he will not abuse it.

The first report of the commissioners appointed to inquire into the state of the County Courts, and the course of practice therein, has been published in the form of a large blue book. We shall shortly consider its suggestions.

In *Lewis v. Bright* the Court of Queen’s Bench (April 28) decided, that although by the stat. 57 Geo. 3, c. 99, any contract made in the way of trade by a spiritual person holding a benefice is void, yet by the stat. 1 & 2 Vict. c. 106, s. 31, such contract, if entered into, may be enforced against the clergyman. The first statute is to prevent him from trading, the latter to prevent him from being dishonest.

The same Court has also decided, in *Esposito v. Bowden*, (April 28), that the mere declaration of war did not justify the owner of a neutral vessel in not proceeding to Odessa and taking a cargo on board there pursuant to the charterparty. Circumstances could be supposed which would have rendered it possible for the contract to have been legally performed.

**INROLMENT OF ANNUITIES.**—We are much obliged to two of our correspondents who have called our attention to the fact that the Annuity Inrolment Acts are repealed by the late act 17 & 18 Vict. c. 90, which also repeals the Usury Laws. This should have been noticed in the review of Mr. Bunyon’s work on Life Assurance in our last number.

**MEMBER RETURNED TO SERVE IN PARLIAMENT.**—Rickard Deasy, Esq., Dublin, one of her Majesty’s Counsel, for the county of Cork, in the room of Edmund Burke Roche, Esq., who has accepted the office of Steward of her Majesty’s Chiltern Hundreds.



## Reviews.

*The Law of Mining, Banking, Assurance, and General Joint-stock Companies, not requiring express Authority of Parliament.* By CHARLES WORDSWORTH, Esq., Barrister-at-Law. Sixth Edition.

[Benning & Co., 1854.]

MR. WORDSWORTH has long been known as an author in connexion with the subject of joint-stock companies, having been the first person to write a distinct treatise upon it. This was about nineteen years ago, when, we believe, a pamphlet by the late Mr. Genge, and a chapter in Collyer on Partnership, constituted the "joint stock" of information upon the matter. But so greatly has this branch of law increased during the interval, that Mr. Wordsworth has found it necessary to divide his one moderate volume of former days into two stout royal octavos, each, however, being distinct and complete in itself. One is devoted to companies requiring the express authority of Parliament—e. g. railway companies; the other (now before us) to companies not requiring such powers. "The distinction thus referred to," he says, "will at once be understood, by stating that a railway, or water, or other such like company must obtain what is called a special act before it can be established; whereas a banking company or a general joint-stock company needs no such special power, but is formed by deed of settlement, in conjunction with provisions of certain general statutes passed with the object of regulating all such associations."

The treatise of Mr. Wordsworth has always been of much practical utility, both to the legal profession and also to that large portion of the community who are more or less interested in companies. If this may be affirmed of the earlier, much more may it be said of the later editions, which have increased in importance together with the body of law on which they are based, and have been more and more carefully elaborated by their author.

The plan of the volume before us embraces the registration of companies under the stat. 7 & 8 Vict. c. 110, together with all its incidents; directors, and their duties; shareholders, their rights and liabilities; contracts, calls, and the transfer and charging of shares; banking companies under the 7 Geo. 4, c. 46, and 7 & 8 Vict. c. 113; mining and assurance companies; companies under charters or letters-patent, incorporated by act of Parliament, or empowered to sue and be sued; proceedings at law and in equity by and against companies, (including proceedings against provisional committeemen); bankruptcy, dissolution, and winding-up of companies; and illegal companies. The appendix also contains the leading statutes, and the principal forms in use with reference to these subjects.

Mr. Wordsworth directed public attention to partnerships with limited liability as far back as 1840, when he published some remarks on the "*société en commandite*." These remarks are republished in the preface, and we proceed to transcribe some of them, as just now possessing a peculiar interest:—

"Great advantage would result to the community if 'the maximum of prudence, intelligence, and vigilance' could be united with an unlimited amount of capital; but the English law of partnership stands in the way of such union, by recognising no medium between the full responsibility of an ordinary partnership and the irresponsibility of an incorporated company.

"The laws of France and of many other countries, including most of the American States, recognise a species of partnership which fulfils the above condition, besides the ordinary partnership, or partnership

'under a collective title, (*société en nom collectif*), which is precisely our partnership; and besides the anonymous partnership, (*société anonyme*), which is similar to our chartered company, and which requires only a royal decree or ordonnance to enjoy a legal existence. There is a third description of partnership of limited liability, called a '*société en commandite*,' which partakes of the character of the two former, and therefore has a tendency to effect that union of skill and capital without which enterprises requiring a high degree of both cannot be undertaken; of the present state of the French law of partnership, as far as regards the '*société en commandite*, we shall give a short exposition.

"Commandite\* associations consist of two or more individuals, of whom one or more undertake the management, and are held indefinitely responsible for all engagements, as in the case of ordinary partnerships; and the others are mere shareholders, responsible only to the amount of their contributions, either paid up, or contracted to be paid (*qu'ils ont versé ou promis de verser*) into the joint stock of the association. The first, called '*commandites*,' may be designated managing partners; the second, called '*commanditaires*,' non-responsible shareholders, or simply shareholders.

"When there are several responsible partners, (*commandites*), the association, as between them and the public, is an ordinary partnership; but as between the non-responsible shareholders and the public, it is a privileged company.

"It is an essential condition of this species of trading association that the non-responsible stockholder (*commanditaire*) take no part in the management. If he perform any act of management, (*acte de gestion*), his responsibility ceases to be confined to the amount of his contribution; he becomes liable indefinitely for all the engagements of the association; in other words, he makes himself a responsible partner. He ceases to be a *commanditaire*, and becomes a *commandite*.

"This rule is without exception. A shareholder cannot be employed by the association, even by power of attorney; and it seems to be a corollary from the same rule, that a clerk or servant cannot become a shareholder without incurring the full responsibility of a managing partner.

"In order to constitute a *commandite* association, it is necessary that in the deed of association it be agreed that such and such of the associates be excluded from management, and that their risk be limited to the amount of their respective contributions. According to Pardessus, the ablest French writer on commercial law, this need not be stated in express terms, no other explanation being necessary than that such and such are non-responsible shareholders; that expression being deemed sufficient, 'without the periphrasis which it would otherwise be necessary to employ.'

"The law of France does not require that the deed (*l'acte*) of association be published. It may, like an ordinary deed of partnership, be executed in private; but it is imperatively necessary that an extract be published, stating that among the associates there are so many shareholders of limited responsibility, but without indicating their names. The 'extract' must also announce in what sums, or in what species of

\* "The term '*commandite*' is not translatable, but it will be seen what it implies. The term is retained because it does not include any ideas likely to interfere with the conception which it is desirable to convey of the various provisions of the law. For the same reason the term '*association*' is preferred to that of '*partnership*.' The term '*partnership*' connotes the idea of liability; and to call this species of association a partnership of limited liability would extend the idea of limitation further than the facts warrant. On these grounds the phrase '*commandite association*' is used."

'property, (objects), their contributions consist, and whether they have been paid up, or still remain to be paid up. If the publication of the 'extract' be neglected, the association is deemed an ordinary partnership. (Pardessus, tom. 4ème, p. 118).

"This communication is deemed by Pardessus of the highest importance, as it is the only mode of informing third parties, who deal with the association, that in addition to the personal responsibility of the managing partners, the capital of the association is composed of such and such sums, of which a creditor can demand payment of the shareholders, unless these latter can prove that they have already paid up the whole amount of their contributions. A false annunciation is deemed an act of swindling, and is punishable as such."

In the chapter on Mining Companies, the author, after an able argument in support of his views, arrives at the conclusion that a "cost-book mining partnership" may be established elsewhere than in Cornwall, and is not required to be constituted according to the requirements of the 7 & 8 Vict. c. 110, on the ground that at common law parties may form a partnership in any manner they may think proper or find it convenient to adopt; that such right can be taken away only by express words in a statute; and that no such express language is used in the 7 & 8 Vict. c. 110.

Some of the main points of difference between a mining company by deed, and one under cost-book regulations, are thus stated, (p. 193):—

"1. In a 'cost-book' partnership a shareholder may get rid of his shares, and with them his liabilities, as far as his partners are concerned, without their consent, either by transfer or simple relinquishment, provided the cost-book regulations do not prescribe against such a course: in the former case, the fact of transfer being entered by the purser in the cost-book; and in the latter, by giving notice to the purser of his having so relinquished his shares and all his claims upon the mine.

"2. There being a purser or manager of the mine, all acts are in general done by him, such as ordering the supply of the necessary materials for working the mine, hiring of labour, &c.; and a shareholder has no power to bind his co-shareholders by any contract for materials, &c. not necessary, nor for money lent, nor upon bills of exchange; not has the purser, for money lent or upon bills of exchange.

"3. The rules are simple, and all the concerns of the partnership are entered in the cost-book; and all the shareholders meet and order their general affairs, without the assistance of any directing body, and consider and resolve upon the purser's reports made to them at their meetings, which are seldom at greater intervals than two months. Sometimes there is a committee of management in a cost-book mine; but they are only appointed from general meeting to general meeting, have no power to make calls or declare dividends, and all their acts are subject to the review of a general meeting.

"4. The mode of transferring shares is simple, and effected with greater facility, and in any form; and the mere entry by the purser in the 'cost-book' of the fact of transfer is sufficient to bind all parties, and constitute the introduction of a new partner into the concern.

"Whereas, in joint-stock companies under deed of settlement, the directors are the principal actors, and the shareholders have no power, except by coming to a vote on certain limited matters; and even then their will is to be carried into execution by the directors. So, likewise, they cannot at their own pleasure retire from the concern, but must have the consent of the directors for that purpose—a power of the utmost im-

portance in a failing concern. Moreover, the form of making a transfer, and getting it registered, so as to determine the shareholder's liability, is more complicated and dilatory.

"It must, however, be understood, that in making this contrast between a cost-book mine and one formed under the 7 & 8 Vict. c. 110, the cost-book regulations in their ordinary form only have been kept in view. They may, of course, be so framed as to give them a more stringent character; but in doing so care must be taken not to encroach upon the provisions of the 7 & 8 Vict. c. 110, so as to make the partnership a joint-stock company within the meaning of the statute. But one point should always be carefully borne in mind with respect to a mining company constituted by deed, viz. that the purser or manager of any such mining company, if established for the working of mines in Cornwall, may have an implied authority to bind the company, from the nature of his office and the custom of mining adventures in that county, for things necessary for the working of the mines, however stringent the deed itself may be in the express authority given to him; unless, indeed, it be shewn by the company that the creditor had notice of the limit imposed upon his authority—which proof lies upon them to give—for the stipulations of the deed are otherwise only binding upon the shareholders inter se."

The chapter on banking will be found useful to the great interests affected by its legal incidents, while that devoted to the winding up of companies is especially full and complete.

*The Common-law Procedure Act, 1854; with Explanatory Notes and Index; together with an Appendix, containing the General Rules of Michaelmas Vacation, 1854, and the Schedule of Forms. By JOSEPH PHILIPS, Esq., M.A., of the Inner Temple, Special Pleader. [Benning & Co.]*

ANOTAM is now added to the list of books upon the Common-law Procedure Act, 1854. No statute ever wrought greater changes in the old and established mode of common-law procedure, and we may safely say that no statute ever produced a greater number of learned authors ready to expound and illustrate its objects and intent. These observations are not made by way of complaint. The subject that has called forth these various emanations of legal authorship is important, and the demand for the ipsissima verba of the statute, as well as such comments as may tend to illustrate its meaning, must be as varied as it is great. Tastes, means, and purposes are all to be consulted. One may desire the two statutes, 1852 and 1854, under one roof; another, treatises on the principles of injunction, inspection, or specific performance; and again, a third may rest satisfied with a small book confined to the statute of 1854, easily carried in the pocket, and procurable at a very moderate price. Under the latter description comes Mr. Philips's little work, which is comprised within ninety-eight pages. The sections of the act are interspersed with short yet comprehensive notes. Mr. Philips has adopted the now more generally approved system of making his notes a portion of the text, instead of placing them, as of yore, at the foot of the page. The General Rules of Michaelmas Vacation, 1854, with the schedule of forms rendered necessary by the statute of 1854, follow the index, and complete the work.

## GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

**LINCOLN'S INN.**—Charles Foster, Esq., B.A.; John Curtois Adolphus Bones, Esq., M.A.; Charles Cecil Trevor, Esq., M.A.; Alfred Hyman Louis, Esq.; Francis Alfred Bedwell, Esq., M.A.; Francis Gregory Hairland, Esq., M.A.; Charles Buxton Musgrave, Esq., B.A.; Norman Macleod Ferrers, Esq., M.A.; Leonard Benton Seeley, Esq., B.A.; Harry Smith, Esq., B.A.; Francis George M. Boileau, Esq., B.A.; and Lawrence Oliphant, Esq.

**INNER TEMPLE.**—John Simmonds, Esq., M.A., (certificate of honour); John Richard Eaton, Esq., B.A.; Charles Henry Alderson, Esq., B.A.; William Cayley Worsley, Esq.; William Downes Griffith, Esq., B.A.; Charles John Clay, Esq., B.A.; Robert Albion Pritchard, Esq., B.C.L.; and Thomas William Daniel, Esq., B.A.

**MIDDLE TEMPLE.**—Charles Boulnois, Esq., LL.B., (certificate of honour); Fitzgerald Lockhart Ross Murray, Esq.; Robert Miller, Esq.; Robert Scott, Esq., London University; and John Martin, Esq.

## GAZETTES.—FRIDAY, April 27.

## BANKRUPTS.

**ABRAHAM PIERPOINT SHAW**, Devonshire-street, Bishopsgate-street, printer, May 4 at half-past 12, and June 5 at 12, London: Off. Ass. Bell; Sols. Lawrence & Co., Old Jarry-chambers.—Pet. f. April 29.

**STAIR WALKER**, Boundary-road, St. John's-wood, dealer and chapman, May 8 at half-past 1, and June 5 at half-past 11, London: Off. Ass. Bell; Sol. Nettleship, 21, Red Lion-square.—Pet. f. April 24.

**THOMAS BROWN**, Great Guildford-street, Southwark, brass founder, May 8 at half-past 12, and June 5 at 11, London: Off. Ass. Johnson; Sol. Nickoll, Essex-street, Strand.—Pet. f. April 17.

**WILLIAM PERFECT LOCKWOOD**, (described in the petition by the name of WILLIAM PAGE LOCKWOOD), Wakefield, Yorkshire, chemist, May 10 at 12, and June 8 at 1, London: Off. Ass. Whitmore; Sol. Maraden, 37, Queen-street, Cheapside.—Pet. f. April 18.

**DANIEL CUTTER and THOMAS JAMES HUNTER**, (not Thomas Hunter, as advertised in last Tuesday's Gazette), Regent-street, St. James's, Westminster, dealers and chapman, May 4 at 12, and June 1 at half-past 11, London: Off. Ass. Cannan; Sols. Ford & Lloyd, 5, Bloomsbury-square.—Pet. f. April 13.

**JOSIAH ALLEN**, Birmingham, builder, May 9 and June 4 at half-past 10, Birmingham: Off. Ass. Bittleston; Sols. Mottram & Knight, Birmingham.—Pet. f. April 25.

**HENRY OSBORNE BOX**, Dursley, Gloucestershire, woollen draper, May 8 and June 5 at 11, Bristol: Off. Ass. Acreman; Sols. Bevan & Girling, Bristol.—Pet. f. April 24.

**WILLIAM LONGMAN**, Aberdare, Glamorganshire, dealer and chapman, May 11 and June 5 at 11, Bristol: Off. Ass. Miller; Sols. Bevan & Girling, Bristol.—Pet. f. April 24.

**JAMES GARTRELL FITZE**, Exeter, bookseller, May 10 and 31 at 1, Exeter: Off. Ass. Hirstael; Sols. Geare & Co., Exeter.—Pet. f. April 24.

**JOHN HAWKER**, Weston-super-Mare, Somersetshire, dealer and chapman, May 11 and June 12 at 11, Bristol: Off. Ass. Hutton; Sols. Abbot & Lucas, Bristol.—Pet. f. April 24.

**LEVI BOOTH**, Bradford, Yorkshire, stuff manufacturer, May 22 at half-past 12, and June 25 at 11, Leeds: Off. Ass. Hope; Sols. Hargreaves, Bradford; Bond & Berwick, Leeds.—Pet. d. April 25.

**MARGARET BOLTON**, Roodford Mill, Marsden, near Burnley, Lancashire, dealer and chapwoman, May 9 and June 6 at 12, Manchester: Off. Ass. Fraser; Sols. Backhouse, Blackburn; Cobbett & Wheeler, Manchester.—Pet. f. April 25.

## MEETINGS.

**John Wm. Shaw**, Liverpool, passenger broker, May 7 at 11, Liverpool, pr. d.—**Thomas Salmon**, Kettering, Northamptonshire, ironmonger, May 8 at 2, London, last ex.—**D. Halket**, Herne Bay, Kent, shipowner, May 9 at half-past 11, London, last ex.—**Joseph Clever** and **Caleb Stanger**, Kent-wharf, Queen's-road-bridge, Haggerstone, Middlesex, builders, May 8 at half-past 1, London, last ex.—**W. R. Barrett**, Folkestone, ironmonger, May 8 at half-past 12, London, last ex.—**John Lowe**, Salford, slate merchant, May 25 at 12, Manchester, last ex.—**Peter Taylor**, Manchester, millwright, May 9 at 12, Manchester, last ex.—**Patrick Shanley**, Manchester, shoe dealer, May 8 at 12, Manchester, last ex.—**John P. Samuel**, Blackburn, shuttle manufacturer, May 9 at 12, Manchester, last ex.—**Charles B. Rowe** and **Thomas J. Blachford**, Newport, Isle of Wight, bankers, May 12 at half-past 11, London, and ac.—**Samuel Adams**, New-court, Goswell-street, Middlesex, licensed victualler, May 10 at 11, London, and ac.—**F. White**, Ewell, Surrey, and Chelsea, common brewer, May 9 at 11, London, and ac.—**Edward Handley**, King William-st., Strand, licensed victualler, May 9 at 11, London, and ac.—**George Fyfoot Lyde**, Church-passage, Basinghall-street, lace maker, May 9 at 11, London, and ac.—**Charles Ferguson**, Hitchin, Hertfordshire, draper, May 9 at 11, London, and ac.—**Thomas Sturges**, Stockwell, Surrey, licensed victualler, May 9 at half-past 11, London, and ac.—**George Hart**, Strand, ironmonger, May 9 at 11, London, and ac.—**J. Roots**, Luton, near Chatham, and Snodland, Kent, brickmaker, May 9 at half-past 11, London, and ac.—**John Stevens**, Bermondsey-wall, Bermondsey, sailmaker, May 9 at half-past 11, London, and ac.—**David Enoch Davies**, Pontypridd, Glamorganshire, grocer, May 24 at 11, Bristol, and ac.; May 31 at 11, div.—**Lutz Cousie**, Cardiff, beer-house keeper, May 10 at 11, Bristol, and ac.—**James Aitken**, Liverpool, draper, May 10 at 11, Liverpool, and ac.—**Thomas Ecclesiastic Pearson**, Seaton Carew and West Hartlepool, Durham, merchant, May 15 at half-past 11, Newcastle-upon-Tyne, and ac.—**J. Dumble**, Sunderland, commission agent, May 15 at 12, Newcastle-upon-Tyne, and ac.—**John Robson**, Durham, miller, May 15 at 11, Newcastle-upon-Tyne, and ac.—**Wm. Bradshaw**, Birmingham, victualler, May 11 at 11, Birmingham, and ac.—**James Ellis**, Birmingham, fender manufacturer, May 11 at 11, Birmingham, and ac.—**Wm. Harvey Fletcher**, Kidderminster, auctioneer, May 18 at 11, Birmingham, and ac.—**H. Bissell Harris**, Shrewsbury, draper, May 18 at 11, Birmingham, and ac.; June 1 at 11, div.—**Wm. Kinton Gibbs**, Dudley, grocer, May 7 at half-past 10, Birmingham, and ac.—**John Brindley**, Birmingham, hoiser, May 7 at half-past 10, Birmingham, and ac.—**J. Lettmer**, Newcastle-under-Lyne, Staffordshire, draper, May 7 at half-past 10, Birmingham, and ac.—**James Miners**, Redruth, Cornwall, grocer, May 10 at 1, Exeter, and ac.—**Georgie Elston**, Crediton, Devonshire, shoemaker, May 10 at 1, Exeter, and ac.—**John Fry Reeves**, John Fred. Reeves, Orlando Reeves, and A. Reeves, Taunton, scriveners, May 9 at 1, Exeter, and ac. sep. est. of John Fred. Reeves.—**P. Greenslade**, Stoke Canon, Devonshire, farmer, May 9 at 1, Exeter, and ac.—**John Norrish Greenslade**, Oakford, Devonshire, farmer, May 9 at 1, Exeter, and ac.—**John Baltwill**, Exeter, shoemaker, May 9 at 1, Exeter, and ac.—**Samuel Redfern**, York, innkeeper, May 21 at 1, Leeds, and ac. and div.—**George Hobson**, Leeds, grocer, May 10 at 11, Leeds, and ac.—**John Allen**, Courthope-terrace, Bermondsey New-road, and York-place, Kent-street-road, grocer, May 17 at 11, London, div.—**William Nehemiah Pearson**, Gravel-lane, Southwark, millwright, May 18 at 12, London, div.—**Wm. Beaming**, Fleet-street, law bookseller, May 18 at half-past 1, London, div.—**Henry Gouger** and **David Hunter**, Great Winchester-street, merchant, May 18 at 2, London, div.—**Henry Merfield Addley**, Old Bond-street, bookseller, May 21 at 11, London, div.—**Alfred Spence**, Chilworth, near Guildford, paper manufacturer, May 21 at 12, London, div.—**Edward Crane Hunt**, Kidderminster, ironmonger, May 18 at 11, Birmingham, div.—**Joseph Smithson**, Mirfield, Yorkshire, corn miller, May 21 at 1, Leeds, div.—**John Lambert**, Halifax, timber dealer, May 18 at 11, Leeds, div.—**J. Child** and **Wm. Barker**, Wakefield, railway contractors, May 18 at 11, Leeds, div. sep. est. of Wm. Barker.—**Obadiah Willans** and **Henry Rawson**, Leeds, cloth merchants, May 18 at 11, Leeds, div.—**John Evans**, Exeter, bookseller, May 10 at 1, Exeter, and ac.—**Jacob Jenkins Nicholas**, Newport, Monmouthshire, timber merchant, May 17 at 11, Bristol, fin. div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George Cunningham Stewart*, Hackney-road, draper, May 18 at 1, London.—*Charles Fox*, Stafford-place, Pimlico, licensed victualler, May 19 at half-past 11, London.—*M. R. Scott*, Harley-place, St. Marylebone, West India merchant, May 19 at 12, London.—*George Roots*, New-road, Chatham, brickmaker, May 19 at half-past 11, London.—*T. Bewick*, Half Moon-st., Piccadilly, licensed victualler, May 19 at 12, London.—*W. Palmer*, Aldgate, draper, May 19 at 1, London.—*A. Spence*, Chilworth, near Guildford, Surrey, paper manufacturer, May 21 at 11, London.—*James Alexander Hughes*, Victoria Park-road, Hackney, builder, May 21 at 12, London.—*James Johnson*, Macclesfield, silk dyer, May 21 at 12, Manchester.—*John Dixon Parry*, Sutton, Lancashire, brewer, May 18 at 11, Liverpool.—*Frederick Reeves Barratt*, Stamford, music seller, May 29 at 10, Nottingham.—*George Porteous Roby*, Leamington Priors, fishmonger, May 21 at half-past 10, Birmingham.—*Robert Rimmer*, Tenbury, Worcestershire, publican, May 21 at half-past 10, Birmingham.—*Stephen Knapp*, Coventry, printer, May 17 at half-past 10, Birmingham.—*Richard Russell*, Leamington Priors, Warwickshire, printer, May 17 at half-past 10, Birmingham.—*Edward Carrington*, Birmingham, grocer, May 24 at half-past 10, Birmingham.—*Thomas Brown*, Bradford, grocer, May 22 at 1, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Frederick White*, Ewell, Surrey, and Swan Brewery, Chelsea, Middlesex, common brewer.—*William Buckwell* and *Thomas Jones*, Duke-street, Southwark, dealers in cement.—*Isaac May*, Ipswich, linendrapery.—*Samuel Plimsole*, Sheffield, coal merchant.—*John Fletcher*, Unsworth Mill, near Bury, and Manchester, cotton manufacturer.—*William Edward Schottlaender*, Poplar-row, New Kent-road, merchant.

## PETITION ANNULLLED.

*Isidore Bloomenthal*, Rodney-buildings, New Kent-road, lithographic engraver.

## PARTNERSHIP DISSOLVED.

*Newenham Charles Wright* and *John Thomas Dodd*, Funnival's-inn, London, attorneys and solicitors.

## TUESDAY, May 1.

## BANKRUPTS.

**WILLIAM WHALEY**, Charles-street, Camberwell New-road, dealer and chapman, May 14 at 1, and June 18 at 12, London: Off. Ass. Lee; Sols. R. M. & F. Lowe, 2, Tanfield-court, Temple.—Pet. f. April 21.

**WILLIAM BAKER**, Cumberland-market, dealer and chapman, May 14 at 2, and June 12 at 1, London: Off. Ass. Edwards; Sol. Robinson, 29, Ironmonger-lane, Cheapside.—Pet. f. April 30.

**GEORGE EDWARD NEAL**, Pembury, Kent, dealer and chapman, May 10 and June 15 at 1, London: Off. Ass. Cannan; Sols. Church & Langdale, 38, Southampton-buildings, Chancery-lane; Cripps, Tunbridge Wells.—Pet. f. April 27.

**JOHN KENNEDY**, Aldersgate-street, dealer and chapman, May 11 at 1, and June 16 at 2, London: Off. Ass. Pennell; Sols. Willoughby & Co., 13, Clifford's-inn.—Pet. f. April 27.

**JOSEPH SALT**, Longton, Staffordshire, dealer and chapman, May 14 and June 4 at half-past 10, Birmingham: Off. Ass. Bittleston; Sol. Hodgson, Birmingham.—Pet. d. April 30.

**EDWARD WESTON**, Dudley, Worcestershire, dealer and chapman, May 12 and June 8 at 11, Birmingham: Off. Ass. Whitmore; Sol. Smith, Birmingham.—Pet. d. April 4.

**JOSEPH MARSDEN**, Balsall-heath, Worcestershire, dealer and chapman, May 12 and June 8 at 11, Birmingham: Off. Ass. Whitmore; Sols. Powell & Son, Birmingham.—Pet. d. April 28.

**GEORGE ISAAC WARD**, Leicester, fishmonger, May 22 and June 12 at 10, Nottingham: Off. Ass. Harris; Sols. Motteram & Knight, Birmingham.—Pet. d. April 30.

**FREDERICK WILLIAM HOLMES**, Leeds, wine merchant, May 11 and June 15 at 11, Leeds: Off. Ass. Young; Sols. Cariss & Cudworth, Leeds.—Pet. d. April 27.

**GEORGE RICHARDS**, Aller, near Langport, Somersetshire, dealer and chapman, May 10 and June 14 at 1, Exeter: Off. Ass. Hirtzel; Sols. R. & J. Blake, Langport; Allen, Burnham; Stogdon, Exeter.—Pet. f. April 21.

**WILLIAM JENKINSON**, Ecclesfield and Sheffield, dealer and chapman, May 12 and June 23 at 10, Sheffield: Off. Ass. Brewin; Sols. Smith & Son, Sheffield.—Pet. d. April 28.

**SAMUEL MAKANT**, Henfield, Whalley, Lancashire, cotton spinner, May 15 and June 12 at 12, Manchester: Off. Ass. Fraser; Sol. Woodcock, Bury, Lancashire.—Pet. f. April 28.

**JAMES HOLMES**, Lancaster, builder, May 14 and June 6 at 12, Manchester: Off. Ass. Pott; Sols. Blackburn, Leeds; Robinson, Lancaster; Clays & Co., Manchester.—Pet. f. April 27.

## MEETINGS.

*Charles J. Mathews*, Lyceum Theatre, Strand, bookseller, May 11 at 1, London, pr. d.—*Wm. Critchley*, Manchester, publican, May 11 at 12, Manchester, last ex.—*Henry Gouger* and *David Hunter*, Great Winchester-street, merchants, May 11 at 2, London, aud. ac.—*Wm. Benning*, Fleet-street, law bookseller, May 11 at half-past 1, London, aud. ac.—*Francis R. Bingley*, Grove-terrace, St. John's-wood, and Somerset-terrace, Pimlico, sharebroker, May 15 at 1, London, aud. ac.—*Henry T. Ryde*, Gray's-inn-road, dealer in shares, May 14 at 12, London, aud. ac.—*George Hutchison*, Palace-row, New-road, timber merchant, May 15 at 2, London, aud. ac.—*Henry Mills*, Great Portland-street, St. Marylebone, tobacconist, May 15 at 1, London, aud. ac.—*Wm. Henry Sanders*, Pontypool, Monmouthshire, grocer, May 24 at 11, Bristol, aud. ac.—*Cornelius Bowe Palmer*, Newport, Monmouthshire, porter merchant, May 17 at 11, Bristol, aud. ac.—*Thomas P. Derham* and *Wm. Bennett*, Bristol, cabinet makers, May 24 at 11, Bristol, aud. ac.—*J. A. Howard* and *J. Howard*, Holingwood, Lancashire, builders, May 16 at 12, Manchester, aud. ac.; May 23 at 12, div.—*J. Davies*, Abergele, Denbighshire, grocer, May 11 at 11, Liverpool, aud. ac.—*Robert Liddell*, Doncaster, saddler, May 12 at 10, Sheffield, aud. ac.—*John Crocker*, Wyke Regis and Weymouth, Dorsetshire, tallow-chandler, May 23 at 1, Exeter, aud. ac.; May 30 at 1, div.—*Benjamin Bray* and *Wm. Bray*, Okehampton, Devonshire, nursery gardeners, May 23 at 1, Exeter, aud. ac.; May 24 at 1, div.—*Joseph Edwards* and *Edward Edwards*, Truro, Cornwall, jewellers, May 23 at 1, Exeter, aud. ac.—*John Clench*, Exeter and St. Thomas-the-Apostle, Devonshire, timber dealer, May 23 at Exeter, aud. ac.; May 24 at 1, div.—*Isaac May*, Ipswich, linendrapery, May 23 at 1, London, div.—*Frederick Chapman*, Mansell-street, wine merchant, May 22 at half-past 11, London, div.—*James Turner*, Hedge-row, High-street, Islington, draper, May 22 at 2, London, div.—*Henry G. Mortimer*, Lee, Kent, builder, May 22 at 12, London, div.—*William Harrison*, Clyde-terrace, Caledonian-road, Islington, baker, May 22 at 1, London, div.—*Isaac Pochin*, Leicester, jeweller, May 22 at half-past 10, Nottingham, aud. ac.—*Edward Round* and *Wm. Round*, Tipton, Staffordshire, timber merchants, May 23 at half-past 10, Birmingham, aud. ac. and div. sep. est. of *Wm. Round*.—*John Bates* and *Edward Bower*, Leicester, lamb's-wool spinners, May 22 at 10, Nottingham, aud. ac. and div. sep. est. of *John Bates*.—*William Whalley*, Stockport, cotton spinner, May 23 at 12, Manchester, div.—*James Worrall*, Bolton and Manchester, manufacturer, May 22 at 12, Manchester, div.—*John Hannell*, Manchester, tobacconist, May 24 at 12, Manchester, div.—*John Balkwill*, Exeter, shoemaker, May 30 at 1, Exeter, div.—*George Eleton*, Crediton, Devonshire, shoemaker, May 30 at 1, Exeter, div.—*James Miners*, Redruth, Cornwall, grocer, May 24 at 1, Exeter, div.—*John Fry Reeves*, *John Frederick Reeves*, *Orlando Reeves*, and *Archibald Reeves*, Taunton, scriveners, May 23 at 1, Exeter, div. sep. est. of *John Frederick Reeves*.—*J. Evans*, Exeter, bookseller, May 30 at 1, Exeter, div.—*John N. Greenslade*, Oakford, Devonshire, farmer, May 30 at 1, Exeter, div.—*John Beringer*, Penzance, silversmith, May 23 at 1, Exeter, div.—*Thomas Hutchings*, Axminster, Devonshire, nurseryman, May 23 at 1, Exeter, div.—*Wm. Turner*, Crewkerne, Somersetshire, carrier, May 24 at 1, Exeter, div.—*Joseph Edwards* and *Edward Edwards*, Truro, jewellers, May 30 at 1, Exeter, div.—*William Fowler*, Abergavenny, Monmouthshire, grocer, May 24 at 11, Bristol, fn. div.—*John Crosthwaite*, Liverpool, merchant, May 24 at 11, Liverpool, div.—*Edward Tregenza*, Stockton-on-Tees, Dur-

hans, shoe dealer, May 23 at 11, Newcastle-upon-Tyne, div.—*Chas. Dixon*, Gateshead, draper, May 23 at 12, Newcastle-upon-Tyne, fin. div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

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JURIST



First-class Investments, comprising Annuities or Rent-charges, granted under the Metropolitan Districts Acts of Parliament, and secured upon the various Police-offices.

**MESSRS. FAREBROTHER, CLARK, and LYE** have received instructions from the Executors of the late George Townley, Esq., of the Albany, to **SELL by AUCTION**, at Garraway's, on Thursday next, May 17, at 12, the following very valuable **ANNUITIES or RENT-CHARGES**, viz.:—Lot 1. A rent or annuity of 315*l*. per annum, clear of all deductions, for 17 years, secured upon the Bow-street Police-court, under the authority of the Receiver-General, acting under the Metropolitan Police Districts Acts of Parliament. Lot 2. A rent or annuity of 123*l*. 18*s*. clear of all deductions, for 43 years, secured upon the Hunter-street Police-court, Brunswick-square, and premises, under the like authority. Lot 3. An annuity of 266*l*. 2*s*. clear of all deductions, for 48 years, secured upon the Blackman-street Police-station, Borough, under the like authority. Lots 4 and 5. Improved rents, amounting to 287*l*. per annum, clear of all deductions, for 51 years, secured upon premises in Great Scotland-yard, occupied by the Commissioners of Police, and partly by the Lords of the Admiralty. Lot 6. An annuity of 254*l*. 13*s*. 10*d*. clear of all deductions, for 84 years, secured upon the Westminster Police-station, Vincent-square, under the authority of the Metropolitan Police Districts Acts of Parliament. Lot 7. An annuity of 554*l*. 12*s*. per annum, clear of all deductions, for 30 years, secured upon the Greenwich Police-station, Blackheath-road, under the like authority.

Particulars are preparing, and may shortly be had of James Townley, Esq., solicitor, 1, Moorgate, London-wall; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, 6, Lancaster-place, Strand.

Twickenham Common, within one mile of the Station.—Beautiful Freehold Gothic Villa Residence, Stabling, Pleasure Grounds, and Paddocks, with possession.

**MESSRS. FAREBROTHER, CLARK, and LYE** have received instructions to **SELL by AUCTION**, at Garraway's, on Wednesday, May 30, at 12, a beautiful detached Gothic **VILLA RESIDENCE**, freehold and small part copyhold, at Twickenham Common, about one mile from the station, and near to the park of Sir William Clay, Bart. The residence is approached from the high road through handsome iron entrance gates, is placed in the centre of the pleasure grounds, ornamented with stately timber, and contains seven bed chambers, two dressing rooms, boudoir, drawing and dining rooms, library, breakfast room, bath room, and servants' offices; detached stabling, dairy, and carriage yard, tastefully disposed pleasure grounds, walled kitchen garden, orchard, and paddocks. The whole about 3*1*/<sub>2</sub> acres. There is plenty of good water, excellent drainage, and gravelly soil. Abutting on the pleasure grounds is a fine sheet of water, which is rented of the Duke of Northumberland.

May be viewed, and particulars had of Messrs. Nelson, solicitors, Essex-street, Strand; of Messrs. Burley and Carlisle, solicitors, New-square, Lincoln's-inn; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

Warwick-road West, Paddington.—A capital newly-erected long Leasehold Residence, with possession.

**MESSRS. FAREBROTHER, CLARK and LYE** will **SELL**, at Garraway's, on Wednesday, May 30, at 12, by direction of the Executors of Edward Dixon, Esq., the mortgage, a capital newly-erected **FAMILY RESIDENCE**, 1, Warwick-road West, of handsome elevation, ornamentally stuccoed, and pleasantly situate at the junction of the Warwick-road, Clifton-villas, and Clifton-gardens, and near to the site for the new church, and contains on the upper floor, two bed rooms; on the third floor, two good bed rooms, landing, and water-closet; on the second floor, two spacious bed rooms, dressing or bath room on landing; on the first floor, two elegant and lofty drawing rooms, finished with great taste, with bow front window, fitted with plate-glass; good dining room and library, lobby, water-closet, and school room; entrance and inner halls, with stone staircase, handsome iron balustrades, and the walls papered in imitation of Sienna marble; kitchen, scullery, housekeeper's room, pantry, footman's room, wine cellar, larder, coal vaults, &c. in the area, and side entrance to the road. The principal rooms are of good dimensions and proportions, and finished in a superior style. The estimated annual value being 160*l*. per annum. Is held under a lease for a term of 97*1*/<sub>2</sub> years from the 25th March, 1853, at a ground rent of 24*l*. per annum.

May be viewed on application, and particulars had at the residence; of Messrs. Lee and Pemberton, solicitors, 44, Lincoln's-inn-fields; at Garraway's; and of Messrs. Farebrother, Clark, and Lye, 6, Lancaster-place, Strand.

Very valuable Freehold Estates, Strand and Temple-bar, producing about 630*l*. per annum, part of the estates of the late William Payne, Esq.

**MESSRS. FAREBROTHER, CLARK, and LYE** are directed by the Executors to prepare for **SALE by AUCTION**, at Garraway's, on Wednesday, May 30, at 12, in lots, the following very valuable **FREEHOLD ESTATES**, viz.:—The New Barn public-house and wine-vaults, in St. Clement's churchyard, in the Strand, let on lease, expiring 1859, at 180*l*. per annum, a premium of several thousand pounds having been given for the lease. Nos. 7, 8, 9, 13, 14, 15, and 16, Great Shire-lane, and Nos. 1, 2, and 3, Brick-court, on leases and agreements, at rents amounting to 170*l*. per annum. No. 37, Bell-yard, Temple-bar, let on lease to Mr. W. Stevens, as a printing office, at 65*l*. per annum; and 39, Bell-yard, Temple-bar, let on lease to Messrs. Richard Stevens and G. S. Norton, at 65*l*. per annum. The dwelling-house and printing-offices, 38, Bell-yard, and 10, Great Shire-lane, on lease to Messrs. Roworth and Sons, at 171*l*. per annum, and ground in the rear of 41 and 42, Bell-yard. The properties may be viewed by permission of the respective tenants.

Particulars are preparing, and may be had of Edward Jennings, Esq., solicitor, 9, Chancery-lane; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

Hammersmith.—Very valuable Copyhold Estates, producing about 160*l*. per annum, part of the Estates of the late William Payne, Esq.

**MESSRS. FAREBROTHER, CLARK, and LYE** are directed by the Executors to **SELL by AUCTION**, at Garraway's, on Wednesday, May 30, at 12, in lots, a very valuable **COPYHOLD ESTATE**, situate in the High-street, Hammersmith, near the Broadway, comprising three capital Houses and Shops, with large gardens, in the occupations of Mr. Lacey, grocer, and Mr. Barker, upholsterer, at rents amounting to 132*l*. 10*s*. per annum; also a very valuable piece of Copyhold Ground, now used as a market garden, in the rear of the foregoing, and having frontage to, and entrance from, Great Church-lane, adapted for building purposes. The property is copyhold of the Manor of Fulham, subject to a quit-rent of 2*s*. per annum, and the land-tax is redeemed.

May be viewed by permission of the tenants, and particulars had of Edward Jennings, Esq., solicitor, 9, Chancery-lane; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

Chepstow, Monmouthshire.—The distinguished Freehold Domain of Piercefield, capital Mansion, beautifully undulated and finely timbered Park, bounded by the river Wye, to which there is a terrace walk extending about three miles, gardens and pleasure grounds, together with several compact Farms, with all suitable Farming Buildings, and upwards of 3000 acres of productive Land, a portion of which is especially adapted for the erection of villas, several private residences and cottages in the village of St. Arvans, and the Piercefield Inn; also the Stall-house Farm, in the parish of Redwick, about a mile and a half from the Magar Station on the South Wales Railway.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed to submit for **SALE by AUCTION**, at Garraway's, on Thursday, May 31, at 12, in one or numerous lots, (unless an acceptable offer is previously made by private contract), the distinguished **DOMAIN of PIERCEFIELD**, mansion, park, pleasure grounds, and lands, most beautifully situate on the banks of the Wye, near the town of Chepstow; the domain immediately attached to the mansion, embracing about 700 acres, a considerable portion of which forms the park, inclosed by a wall of nearly two miles in extent, beautifully undulated and clothed with forest, yew, and other trees and brushwood, stretching down to the banks of the Wye, that part which skirts the river being precipitous, and having winding walks of several miles in extent, commencing near Chepstow Castle, and ending at the celebrated Wyndcliffe, at various points commanding the most extensive views of the scenery of the confluence of the Severn and Wye, with the distant views of Gloucestershire, Wiltshire, Somersetshire, the Bristol Channel, Monmouthshire, Glamorganshire, &c.: the limits of an advertisement render it impossible to give an adequate description of the scenery of this beautiful locality. The estate commences within one mile of Chepstow, and extends, with little interruption, to Tintern Abbey. The several farms are known as Portcassage, Lancelot, Red House, Penntery, the Gardens, Gaer-hill, Brown's Grounds, Great and Little Pantas, Cae Douts, Panty Mill, and Lands; numerous private residences and cottages in the village of St. Arvans, the Piercefield Inn, and several plots of accommodation and building land; the whole comprising an area of about 2100 acres, and of the value of nearly 3000*l*. per annum. Also, in the parish of Redwick, about one mile and a half from the Magar Station on the South Wales Railway, between Kingston and Newport, the freehold farm, known as Stall-house Farm, comprising about 45 acres, in the occupation of Mr. Lewis Williams, at the rent of 80*l*. per annum.

Particulars, with plans, may be had at the Beaufort Arms Inn, Chepstow; of Messrs. Evans, solicitors, Chepstow, Monmouthshire; Red Lion, Magar; King's Head, Newport; and in London, of Messrs. Hume and Bird, the solicitors to the vendors, 10, Great James-street, Bedford-row; and of Messrs. Farebrother, Clark, and Lye, Lancaster-place.

Wiltshire.—Very valuable Church Preferment, amounting to nearly 1500*l*. per annum; the Incumbent aged 70 years.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed to **SELL**, at Garraway's, on Wednesday, June 13, at 12, (unless an acceptable offer is previously made by private contract), the very valuable **NEXT PRESENTATION** (subject to the life of the incumbent, aged 70 years) to the **RECTORY of Pewsey**, situate about seven miles from Marlborough, twelve from Devizes, thirty from Bath, and fourteen from the Great Western Station at Hungerford; consisting of an excellent residence, with offices, garden, and 124*1*/<sub>2</sub> A. 2*s*. 1*d*. of glebe land. Also the commuted Rent-charge in lieu of the great and small tithes of the parish, containing about 4000 acres. The gross annual value is 1484*l*. 11*s*. 7*d*.

Descriptive particulars may be had, 21 days previous to the sale, of Messrs. Blake, Tylee, & Tylee, 14, Essex-street, Strand; at the Bear Inn, Devizes; Allesbury Arms, Marlborough; White Hart, Bath; Angel, Oxford; Bull, Cambridge; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

Essex.—In the parish of Magdalen Laver, easy distances from Harlow, and the capital Market Towns of Epping, Bishop Stortford, and Ongar, very desirable and compact Freehold Estate, called Spencer's Farm, with upwards of 136 acres of productive Land.

**MESSRS. FAREBROTHER, CLARK, and LYE** have received instructions to **SELL by AUCTION**, at Garraway's, on Wednesday, June 13, at 12, a very desirable **FREEHOLD ESTATE**, called Spencer's Farm, land-tax redeemed, partly adjoining the high road from Epping to Harlow, six miles from the former, five from the latter, and six and eight miles respectively from the capital market towns of Ongar and Bishop Stortford; comprising a capital farm-house, garden, warm yards, all suitable and well-arranged agricultural buildings, and 126*1*/<sub>2</sub> A. 3*d*. of productive arable and pasture land, lying within a ring fence. The lands are in a high state of cultivation, the pastures are bounded by a stream, and is well for irrigation. There are several ponds on the property, and it has been in the occupation for upwards of twenty years of the late Mr. John Larter, a highly-respectable and intelligent farmer, and now of his executors.

May be viewed, and particulars, with plans, had at the farm; at the George and Green Man Inns, Harlow; Cock, Epping; Crown, Ongar;

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## THE JURIST.

LONDON, MAY 12, 1855.

On a recent occasion, in the House of Peers, Lord Campbell stated that he found an impression prevailing among the authorities of the different towns on circuit, that the military (including the militia) should be excluded from them during the holding of the assizes; but stated his own opinion to be, that this was not required by law, although it was so during the holding of elections of members to serve in Parliament. The Lord Chancellor concurred in this opinion. The practice in this respect has differed during the last year or two in different places; in some the militia were retained in the town, and formed a considerable portion of the spectators and auditors in court; in others, they were sent away, from a supposition that it was constitutional to do so; in others, they left merely because of the difficulty felt by the inhabitants in billeting them, and at the same time providing for the invasion of counsel, attorneys, and witnesses\*. It may be that in former times the ministers of justice were supposed to

be overawed by the rude soldiery in their vicinity; or that powerful suitors would have endeavoured to avail themselves of the military power in support of their claims, or of their resistance to the claims of others; the maxim “inter arma leges silent” then had a practical application. The army have often been used as the instrument of despotism; as the law itself, although generally the friend of liberty, has also been perverted to the same end. Between the two, however, there has at times been the most strenuous conflict, and some symptom of it may have been, at all events until recently, perceived in the fact that the soldier was not popular with the lawyer, nor certainly the lawyer with the soldier. At the present day, however, there is happily a combination rather than an antagonism of the forces of the State, all tending to the preservation of internal peace and the enforcement of justice. The objects of civil and military power in this respect should be identical, and there appears no reason whatever for the retreat of our army before the peaceful judge and barrister upon circuit, leaving the “javelin man” as the only representative of physical force.

At elections, generally a time of intense excitement, riot, and battle, when each party tries to enlist on his side all the material guaranties that are available, other considerations present themselves, and it may be as well to deprive them of the formidable strength—ready to hand—of armed and disciplined soldiers.

\* A military friend has informed us that the rule in practice in England is to confine the men to the barracks until the judge sends word that he does not think it necessary to do so; but that in Ireland, the judges, not being afraid of soldiers, are often attended by a military guard of honour.

From the first establishment of a standing army, the jealousy of the House of Commons has been directed to prevent any military interference at elections. Thus, (4 Journ. 346, Nov. 17, 1645), the House resolved, "That all elections of any knight, citizen, or Burgess to serve in Parliament be made without interruption or molestation by any commander, governor, officer, or soldier." Again, (24 Journ. 37, Dec. 22, 1741), "That the presence of a regular body of soldiers at an election of members to serve in Parliament is a high infringement of the liberties of the subject, a manifest violation of the freedom of elections, and an open defiance of the laws and constitution of this kingdom."

This resolution was passed in consequence of the proceedings at the Westminster election in 1741. The Westminster justices were ordered into custody, and reprimanded by Speaker Onslow, for unnecessarily calling in the military. The concluding part of his address was as follows:—"What you have done is against one of the most essential parts of the law of this kingdom. Has any real necessity been shewn for it? There might be fears—there might be some danger; but did you try the strength of the law to dispel those fears and remove that danger? Did you make use of those powers the law has invested you with as civil magistrates for the preservation of the public peace? No; you deserted all that, and wantonly, and I hope inadvertently, resorted to that force, the most unnatural of all others, in all respects, to that cause and business you were then attending, and for the freedom of which every Briton ought to be ready to suffer anything." (See Rogers on Elections, 237, note (a)).

Previous to this last resolution, viz. in the year 1736, in consequence of the increase of the standing army about that period, the House of Lords directed the judges to prepare the act of the 8 Geo. 2, c. 30, by which all soldiers quartered in the county, borough, or place where the election was held were to remove, at least one day before the election, to the distance of two miles or more, and not to return until one day after the poll is ended. (8 Geo. 2, c. 30, s. 1, 1736). An exception, however, was introduced by sect. 3 in favour of the Guards in the liberty of Westminster, or in Southwark, or other place of royal residence, or in any fort or garrison in respect of such number of soldiers whereof the garrison was composed, or in respect of any soldier or officer entitled to vote at such election. The statute recites—"Whereas by the ancient common law of this land all elections ought to be free; and whereas by an act passed in the third year of King Edward the First, of famous memory, it is commanded, upon great forfeiture, that no man\*, by force of arms, nor by malice or menacing, shall disturb any to make free election; . . . and whereas it hath been the usage and practice to cause any regiment, troop, or company, or any number of soldiers which hath been quartered in any city, borough, or place where any election of members to serve in Parliament hath been appointed to be made, to remove and continue out of the same during the time of such election;" and then enacted as above.

This statute, however, was repealed by the 10 Vict.

\* This should be, "no great man:" in the original it is "nul haut homme."

c. 21, which, after reciting that in consequence of changes in the law for taking the poll, the inconvenience and expense of removing soldiers was greatly increased, enacts, that on every day fixed for the nomination, election, or taking the poll, no soldier within two miles shall be allowed to go out of barracks, unless to mount or relieve guard, or give his vote at the election, and that, going out for that purpose, he shall return with all convenient speed. Provision is made for notice of all elections to be given by the Clerk of the Crown to the Secretary at War, and by him to the general officer commanding the district; and it is provided that the act is not to extend to any soldiers attending as guards on her Majesty, or employed or stationed in the Bank of England.

#### NOTES OF THE WEEK.

We call attention to an important decision relating to costs under the County Court Act. The plaintiff claimed more than 20*l.*; the defendant paid 8*l.* into court, and the plaintiff took it out in satisfaction. Coleridge, J., in a considered judgment, held that the plaintiff was not deprived of his costs under the County Court Act. (*Chambers v. Wiles*, Bail Court, May 2).

Where the costs of an appeal were taxed by the clerk of the peace by consent, the Court of Queen's Bench refused to interfere, although they were not taxed until after the court of quarter sessions making the order for them had ceased to exist. (*Reg. v. The Hereford and Shrewsbury Railway Company*, Queen's Bench, April 21). See also, as to an order for costs at quarter sessions, *In re Ely*, (Bail Court, May 1).

The Court of Common Pleas has allowed to be placed on the record, to an action of detinue for a lease, two equitable pleas in these terms:—1. That the plaintiff sued the defendants for the detention of the said lease, and recovered judgment in a former action, and issued execution, and took other proceedings to enforce the said judgment; that the sum of 150*l.*, to secure which the said lease was deposited, is still due; and that no tender of that sum has been made since the judgment in the said former action, nor has any demand of the lease been made after the termination of the proceedings in the said former action. 2. That the lease was deposited to secure payment to the defendants of 150*l.* and interest, by way of equitable mortgage, upon the terms of an agreement in writing; the former recovery, and proceedings thereon; that the 150*l.* is still due; that, after the commencement of this action, the defendants tendered and offered to deliver up the lease to the plaintiff upon payment of the said 150*l.*, and the defendants also tendered and offered the plaintiff his costs of this action up to that time; and that such tender and offer were refused.

To an action on a bond the Court of Queen's Bench allowed, as an equitable plea, accord and satisfaction by delivery of another bond for a larger sum. (*Lord Petrie v. Stubbs*, May 1).

A bond, conditioned that B. should pay to I. such costs as C. should, in due course of law, be liable to pay in case of discontinuance, nonsuit, or verdict against him, and should allow C. to retain and apply any monies of D. towards payment of such costs, has been held not to constitute a debt due from D. as garnishee, to C., within sect. 64 of the Common-law Procedure Act, 1854. (*Johnson v. Diamond*, Exchequer, April 27).

The following gentlemen form the select committee on the Bills of Exchange Bills:—Sir Erskine Perry, the

Attorney-General, the Solicitor-General (Ireland), the Lord Advocate, Mr. Walpole, Q. C., Mr. Keating, Q. C., Mr. Atherton, Q. C., Mr. Lowe, Mr. Kirk, Mr. Glyn, Mr. Muntz, Mr. Horsfall, Mr. Gurney, Mr. Henley, and Mr. Hankey. The committee have power to call for the attendance of witnesses and the production of documents.

**CHANCERY QUEEN'S COUNSEL.**—The following arrangement has been made as to the courts in which the Queen's Counsel will practise:—

*Master of the Rolls.*

R. P. Roepell, Esq.	Roundell Palmer, Esq.
E. J. Lloyd, Esq.	B. S. Follett, Esq.

*Vice-Chancellor Kindersley.*

C. T. Swanston, Esq.	John Bailly, Esq.
C. P. Cooper, Esq.	W. B. Glasse, Esq.
J. G. Teed, Esq.	James Anderson, Esq.
James Campbell, Esq.	

*Vice-Chancellor Stuart.*

C. Temple, Esq.	R. Malins, Esq.
J. Walker, Esq.	W. Elmaley, Esq.
L. T. Wigram, Esq.	R. D. Craig, Esq.
James Bacon, Esq.	

*Vice-Chancellor Wood.*

John Rolt, Esq.	J. G. Phillimore, Esq.
Thomas Chandless, Esq.	T. E. Headlam, Esq.
John W. Willcock, Esq.	W. M. James, Esq.
W. T. S. Daniel, Esq.	

All these gentlemen also attend the Courts of Appeal.  
*Easter Term, 1855.*

At the dinner at the Royal Academy on Saturday last, the President, in proposing the health of Lord Campbell, stated, that from the habit of seeing learned judges on such occasions, he had been involuntarily led to conclude that there was some necessary connexion between the fine arts and law. Indeed, the Chief Baron was the honoured president of the Photographic Society. He remembered, however, that on the occasion of a trial respecting a picture many years since—a picture attributed to some great name, and valued at 1500*l.*—Lord Ellenborough observed to the jury, that in his opinion no picture could be worth 1500*l.*—Lord Campbell, in returning thanks, said he was afraid the lawyers could not be considered as engaged in cultivating a sister art, although they were no doubt a good deal employed in giving colour to that in which they were concerned. But still they did assist the sister art, for Chief Justice Gascoigne had frequently adorned those walls while committing the Prince of Wales to prison.

## FIRST REPORT OF THE COUNTY COURTS COMMISSION\*.

TO THE QUEEN'S MOST EXCELLENT MAJESTY IN HER HIGH COURT OF CHANCERY.

YOUR Majesty having been pleased to issue a commission authorising and appointing us to inquire into and report on the state of the courts established under an act passed in the session of Parliament held in the ninth and tenth years of your Majesty's reign, intituled "An Act for the more easy Recovery of Small Debts," and the course of practice therein, and particularly with respect to the fees levied in the said courts, and whether the same can be reduced in amount, or can be levied in a manner less burthensome to the suitors, and whether the costs of proceedings in the said courts

can be reduced, and whether any and what alterations and amendments can be made for the better administration of justice in the said courts, and whether any and what business can be usefully and properly transferred to them in addition to that which they now perform, we, your Majesty's commissioners, in the execution of the duties imposed upon us, have proceeded to examine and consider the important subjects on which we are desired to report.

We commenced the discharge of our duties by addressing interrogatories to the judges, officers of the court, and other persons whom we considered to be capable of giving useful information on the matters within the scope of our commission; we also examined witnesses on the same subjects, and from time to time procured returns which we thought likely to assist us in our inquiries.

Before stating our opinions and recommendations concerning the matters referred to us by your Majesty's commission, we propose to commence this our first report by an exposition of the state of the courts as they at present exist, with reference to the following matters:—

First, the establishment of the courts.

Secondly, the jurisdiction.

Thirdly, the judges, officers, and advocates.

Fourthly, the procedure.

Fifthly, the fees.

Sixthly, the costs.

Seventhly, the accounts.

Eighthly, the revenue of the courts.

Ninthly, application of revenue.

### I.—ESTABLISHMENT OF THE COURTS.

*County Court a Court of Record.*—The courts to which our inquiries, in obedience to your Majesty's instructions, have been directed, were established in the year 1847, in pursuance of stat. 9 & 10 Vict. c. 95, intituled "An Act for the more easy Recovery of Small Debts;" and the title by which the court under consideration is generally known is "the county court." It is a court of record, and has a seal with which its process must be stamped.

*Supervised by Superior Courts.*—The county court, like all inferior jurisdictions, is subject to the supervision of the superior courts by writs of certiorari and prohibition. The granting of the latter is facilitated by the 13 & 14 Vict. c. 61, s. 22, which enables a judge to issue such writs in vacation as well as in term.

*Districts formed, and distributed among Circuits.*—In pursuance of the 9 & 10 Vict. c. 95, the whole of England and Wales, with the exception of the city of London, which is specially excluded from the operation of the act, was in the year 1847, by Order in Council, divided into districts. These varied in extent and population. In determining what parishes and townships should be included in the different districts, the wishes and convenience of the inhabitants were consulted, and from time to time several modifications of the original arrangement have been made by successive Orders in Council. The number of districts originally formed was 491, but, on the petition of certain places, has been increased to 495, which constitute the existing districts. In each of these districts one, and in some cases two, courts have been established, the number of which is now 500. The court is held in that part of the district which, on inquiry, appears most convenient to the majority of the inhabitants. The building in which the court sits has, in some instances, been erected by Government specially for the purpose; sometimes it is a town hall, court house, or other public building belonging to a county, city, borough, or town; sometimes it is a dis-

\* The commissioners are, the Master of the Rolls, Mr. Justice Erie, Mr. Justice Crompton, Henry Fitzroy, Esq., H. S. Keating, Q. C., J. H. Koe, Q. C., Serjt. Dowling, J. Pitt Taylor, Esq., and Joseph Randolph Mullings, Esq.

senting chapel, a savings bank, a literary institution, or an inn, according to the conveniences for the purpose which the neighbourhood presents. With respect to the public buildings belonging to counties, cities, boroughs, and towns, the free use of them is secured by statute to the court as a matter of right; but in other cases the place of holding the court is either built or hired by the treasurer, with the sanction of Government, and the expenses are paid out of the general fund of the court.

These 495 districts are distributed, in numbers varying from one to thirteen, among sixty different divisions or circuits. To each of these divisions or circuits a judge has been appointed.

## II.—JURISDICTION.

The jurisdiction of the county court is both original and auxiliary.

### ORIGINAL JURISDICTION.

This jurisdiction is legal and equitable.

### LEGAL JURISDICTION.

The legal jurisdiction is of three kinds—exclusive, concurrent, and by consent.

#### *Exclusive Jurisdiction.*

The exclusive jurisdiction is conferred by the 9 & 10 Vict. c. 95.

*Proviso.*—By sect. 58 of that act it is provided, “that all pleas of personal actions, where the debt or damage claimed is not more than 20*l.*, whether on balance of account or otherwise, may be holden in the county court without writ: provided always, that the court shall not have cognisance of any action of *ejectment*, or in which the title to any corporeal or incorporeal hereditaments, or to any toll, fair, market, or franchise, shall be in question, or in which the validity of any devise, bequest, or limitation under any will or settlement may be disputed, or for any malicious prosecution, or for any libel or slander, or for criminal conversation, or for seduction, or breach of promise of marriage.”

*Jurisdiction protected and enforced.*—The jurisdiction is protected by sect. 90 of the 9 & 10 Vict. c. 95, which prevents the removal of any plaint into the superior courts unless the debt or damage claimed shall exceed 5*l.*, and then only by leave of a judge of one of the superior courts, on such terms as he shall think fit. This provision is confirmed by sect. 16 of the 13 & 14 Vict. c. 61.

The jurisdiction in cases not within the above provisions, and not within the exceptions contained in sect. 128, hereafter mentioned, is enforced by sect. 129, which deprives the plaintiff of costs if he obtain a verdict in a superior court for a sum less than 20*l.* in actions founded on contract, or less than 5*l.* if founded on tort; and where the verdict in such cases is for the defendant, he is entitled to his costs, as between attorney and client, unless in either case the judge trying the cause shall certify that the action was fit to be brought in the superior court. By sect. 13 of the 13 & 14 Vict. c. 61, these provisions are extended to cases in which the parties have not proceeded to verdict. The provisions as to deprivation of costs are modified by sect. 11 of the same statute, which excludes judgments by default from their operation.

*Judge's Decision in such Cases final.*—The decision of the judge of the county court, whether assisted by a jury or not, is final in cases within this branch of the jurisdiction.

*Protection Cases.*—Another branch of exclusive jurisdiction of the court is that which is exercised in protection cases. By sect. 4 of stat. 10 & 11 Vict. c. 102, the jurisdiction under the Protection Acts (the 5 & 6

Vict. c. 116, and the 7 & 8 Vict. c. 96) is transferred to the county court in cases arising more than twenty miles from the General Post-office in London. The decision of the judge in these cases is final.

*Nuisances.*—Where, under the 11 & 12 Vict. c. 123, a nuisance has been removed, under certain circumstances, from premises by a person other than the owner or occupier, the former is entitled to sue the latter in the county court for the expenses incurred in so doing. In these cases, although questions of title may and do frequently arise, the decision of the court on the matter is final.

### *Concurrent Jurisdiction.*

*Where Claim does not exceed 20*l.**—The jurisdiction given by sect. 58 of the 9 & 10 Vict. c. 95, is by sect. 128 rendered concurrent with that of the superior courts, where the parties reside more than twenty miles from each other, or where the cause of action does not arise wholly or in some material point within the district within which the defendant dwells or carries on his business at the time of bringing the action, or where an officer of the court is a party, except in respect of a claim to goods taken in execution by process of the court.

*Where Claim exceeds 20*l.*—Appeal.*—By the 13 & 14 Vict. c. 61, a jurisdiction, where the amount of the claim for debt or damages does not exceed 50*l.*, is conferred on the county court, subject to the exceptions contained in the proviso of sect. 58 of the 9 & 10 Vict. c. 95. This jurisdiction is, however, concurrent with that of the superior courts, and is subject to appeal at the instance of either party who is “dissatisfied with the determination or direction of the court in point of law, or upon the admission or rejection of any evidence.” The 15 & 16 Vict. c. 54, s. 2, provides that such appeals shall be disposed of as part of the ordinary business of the court to which the appeal is made.

*Replevin.*—The county court has also concurrent jurisdiction in replevin. By sect. 119 of the 9 & 10 Vict. c. 95, all actions of replevin in cases of distress for rent in arrear, or damage feasant, must be brought in the court created by this act, instead of the common-law county court; but either party, on complying with certain conditions, may remove the plaint, if he declares to the court “that the title to any corporeal or incorporeal hereditament, or to any toll, market, fair, or franchise, is in question, or that the rent or damage in respect of which the distress shall have been taken is more than 20*l.*” Unless, therefore, the plaint be removed in conformity with the provisions of that section, the county court has jurisdiction to decide all questions of title, and is not limited to any amount.

*Ejectment.*—The proviso in sect. 58 is modified in certain cases of ejectment by sect. 122 of the same act, which enables landlords, after the expiration of the tenancy, to recover possession of houses, lands, or other corporeal hereditaments, where the rent or value of the premises does not exceed 50*l.* a year, and no fine has been paid.

*Customs.*—Jurisdiction in certain matters connected with the administration of the customs law has lately been conferred on the court. By sect. 263 of the 16 & 17 Vict. c. 107, (the Customs Act), the Crown may sue in the county court for duties or penalties not exceeding in any case the sum of 100*l.* The decision of the judge is final in such cases. By sect. 318, in case of any alleged illegal seizure of any boat, vessel, or goods by the custom-house officer, an action may be brought against him in the county court where the damages claimed do not exceed the amount to which the jurisdiction of the court is limited; and sect. 319 provides that the case shall not be tried by a jury except by consent of both parties, and that the decision of the judge shall be sub-

ject to appeal, in the same manner as is allowed in other actions triable in the court.

#### *Jurisdiction by Consent.*

**Appeal.]**—Under the provisions of sect. 17 of the 13 & 14 Vict. c. 61, the parties may by consent confer a jurisdiction on the county court, notwithstanding that the amount of the claim may exceed 50*l.*, and that the action is one “in which the title to land, whether of freehold, copyhold, leasehold, or other tenure, or to any tithe, toll, market, fair, or other franchise, shall be in question.” It will be observed, that the cases in which questions of law may by consent be decided by the county court are not so numerous as those excepted by sect. 58 of the 9 & 10 Vict. c. 95. By the 17 & 18 Vict. c. 16, s. 1, the decision of the judge in such cases is subject to appeal, on the same grounds as in cases where the sum claimed exceeds 20*l.*, but does not exceed 50*l.*

**Arresting Ships.]**—By the 527th section of the 17 & 18 Vict. c. 104, (the Shipping Act), in the event of an injury having been done by one vessel to another in any part of the world, it will, on and after the 1st May, 1855, be competent for the judge of the county court, in certain cases, on the complaint of the injured party, to direct the vessel to be detained until satisfaction is made for the alleged wrong, or security is given to abide the event of a legal proceeding in respect of it.

#### **EQUITABLE JURISDICTION.**

The equitable jurisdiction of the county court is concurrent and by consent, but cannot be treated as exclusive, except in protection and insolvency cases.

This jurisdiction is confirmed by the 9 & 10 Vict. c. 95, and several subsequent statutes.

#### *Partnership—Distributive Share—Legacy.*

By sect. 65 of stat. 9 & 10 Vict. c. 95, the jurisdiction of the court is extended to the recovery of any demand not exceeding the sum of 20*l.*, (now by the 13 & 14 Vict. c. 61, to 50*l.*), “which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will.”

By sect. 17 of the 13 & 14 Vict. c. 61, the consent of the parties will give jurisdiction in such cases to any amount.

#### *Friendly Societies.*

By the 13 & 14 Vict. c. 115, s. 22, (the Friendly Societies Act), if a dispute arise between the members and the trustees, treasurer, or other officer or committee, and is of such a kind that for the settlement of it, according to the laws now in force, recourse must be had to a court of equity, it may be referred, at the option of either party, to a judge of a county court.

This act is continued by the 15 & 16 Vict. c. 65, s. 4, to the end of the session of 1854, and by the 17 & 18 Vict. c. 101, to the 1st October, 1855, and the end of the then next session of Parliament.

#### *Industrial and Provident Societies.*

The above provisions applicable to Friendly Societies are extended by the 15 & 16 Vict. c. 31, s. 8, to industrial and provident societies.

#### *Charitable Trusts.*

By the 16 & 17 Vict. c. 137, (the Charitable Trusts Act, 1853), sect. 32, where the gross annual income of any charity does not exceed 30*l.*, and where equitable relief is required, jurisdiction, subject to certain conditions contained in the act, is given to the county court to entertain the application, and to “give such relief, and make such orders and directions in relation to the matter of such application, as now might be made or given by the Court of Chancery, or by the

Lord Chancellor, intrusted with the care and commitment of the custody of lunatics, in a suit regularly instituted, or upon petition, as the case may require.” It is provided, however, by sect. 41, “that no county court shall, upon any proceedings under this act, have jurisdiction to try or determine the title at law or in equity to any real or personal property, or any term or interest therein, as between any charity, or the trustee thereof, and any person holding or claiming such real or personal property, term or interest, adversely to such charity, or to try or determine any question as to the existence or extent of any charge or trust.” By sect. 39 of the act, a right of appeal, subject to certain conditions, is given to the party who alleges himself to be aggrieved by or dissatisfied with any order made by any county court. It may be observed, that although the jurisdiction under this act extends only to charities the annual income whereof does not exceed 30*l.*, yet, should the amount with which a defaulting trustee is chargeable exceed the sum of 50*l.*, there is no provision in the statute which excludes the jurisdiction of the county court in such a case.

#### *Succession Duties.*

By sect. 50 of the 16 & 17 Vict. c. 51, (the Succession Duties Act), any accountable party, dissatisfied with the assessment of the commissioners, may, on complying with the conditions prescribed in the section, if the “sum in dispute in respect of duty on such assessment does not exceed 50*l.*, appeal to the judge of the county court, who will have jurisdiction to hear and determine the matter of the appeal and the costs thereof.” His decision is final. Considering the interests in property which is the subject of the duty, as well as the provisions of the act with respect to its collection, it is evident that difficult questions of equity as well as of law may arise in the determination of the appeal. In consequence of the mode in which sect. 50 is expressed, a far greater sum than 50*l.* may become the subject of inquiry in the county court.

#### *Insolvency and Protection.*

Both in protection and insolvency cases various questions of an equitable description do of necessity frequently arise.

#### *Literary Institutions.*

By the Literary and Scientific Institutions Act, 1854, in case of any institution contemplated by the act being desirous of dissolving itself, and any dispute arising among the governing body or the members of the institution, the adjustment of its affairs shall be referred to the judge of the county court of the district in which the principal building of the institution shall be situate, who may make such order as he may deem requisite; or, if he find it necessary, he may direct that proceedings shall be taken in the Court of Chancery. The judge is also to determine, in the event of disagreement, to what institution any surplus funds should be given.

#### **AUXILIARY JURISDICTION.**

The auxiliary jurisdiction of the Court is both legal and equitable.

#### **LEGAL JURISDICTION.**

##### *Abconding Debtors.*

By the 14 & 15 Vict. c. 52, power is given to the judge of the county court to issue his warrant for the apprehension of persons sworn to be indebted to the amount of 20*l.* or upwards, and who are about to quit England. This power is subsidiary to actions in the superior courts.

##### *Common-law Procedure Act.*

By the Common-law Procedure Act, 1854, it is provided, that where, at any time after the issuing of the writ in any superior court of common law, it appears to the satisfaction of the court or a judge, upon the appli-

cation of either party, that the matter in dispute consists wholly or in part of matter of mere account, which cannot conveniently be tried in the ordinary way, it shall be lawful for such court or judge to order that such matter, either wholly or in part, in country causes, shall be referred to the judge of any county court.

#### EQUITABLE JURISDICTION.

##### *Chancery.*

By sect. 22 of the 9 & 10 Vict. c. 95, the judge may be required to perform all such duties relating to causes or matters depending in Chancery, or any judge thereof, or before the Chancellor in the exercise of any authority belonging to him, necessary or proper to be done in the respective districts, as the Chancellor shall from time to time by any general order direct.

##### *Joint-stock Companies Winding-up Act.*

By sect. 20 of the 12 & 13 Vict. c. 108, (an act amending the Joint-stock Companies Winding-up Act, 11 & 12 Vict. c. 45), judges of county courts sitting at places more than twenty miles from the General Post-office are appointed commissioners to act under the powers of that and the previous statute, and the Master may, by any order under his hand, refer the whole or any part of the examination of any witnesses to any such judge.

##### *Insolvency.*

The jurisdiction of insolvency under the 1 & 2 Vict. c. 110, is by the 10 & 11 Vict. c. 102, s. 10, vested in the county court, where the insolvent is in custody in any gaol more than twenty miles from the General Post-office. The Insolvent Court in London, to which the petition of the insolvent must in the first instance be presented, is required in such cases to refer the hearing to the county court.

In this branch of the jurisdiction questions of law also arise.

##### *Common-law County Court.*

Except as to matters brought by statute within the jurisdiction of the newly-established court, the county court at common law retains its powers and jurisdiction, and may be held simultaneously with the modern county court.

It is proper to observe, that no privilege is allowed to exempt any person from the jurisdiction of the modern county court.

### III.—JUDGES, OFFICERS, AND ADVOCATES.

We will now proceed to the next head, which concerns the judges, officers, and advocates of the court.

#### *Judge.*

*Qualification—Qualification of Successor—How appointed—How removeable—Disqualification.*—In order to become the judge of a county court, the necessary qualification was, at the original establishment of the courts, that he should be a barrister-at-law of at least seven years' standing, or that he should have practised as a barrister and special pleader for at least seven years, or have acted in the capacity of judge in some one of certain local courts mentioned in the 9 & 10 Vict. c. 95. In the event of any of the judges dying, resigning, or being removed, the qualification of his successor must be, that he is a barrister of at least seven years' standing, or that he has practised as a barrister and special pleader for at least seven years, or that he has been the county clerk of the same county at the time of passing the 9 & 10 Vict. c. 95. The judge is appointed by the Lord Chancellor in districts without the limits of the Duchy of Lancaster, and by the Chancellor of the duchy within the limits of the duchy. It is competent for the Lord Chancellor or the Chancellor of the Duchy of Lancaster, within their respective jurisdictions, to remove any judge from any district for

the purpose of appointing him to any other district, in which the salary of the judge shall not be less than in the district from which he shall be so removed. He is removeable, at the discretion of the Lord Chancellor or Chancellor of the Duchy respectively, for inability or misbehaviour. When appointed he cannot sit as a member of Parliament, nor can he practise at the bar, or as a special pleader, or equity draftsman, or be directly or indirectly concerned as a conveyancer, notary public, solicitor, attorney, or proctor, and if an attorney, he cannot hold certain offices, which, having regard to the present qualification of a judge, it is not necessary to enumerate.

*Appointment of Deputy.*—In case of illness or unavoidable absence, the cause of which absence must be entered on the minutes of the court, the judge may appoint a deputy to perform the duties of his office. The remuneration of the deputy, however, is by the judge himself. As no cessation of holding his courts is permitted, he may, with the sanction of the Lord Chancellor, appoint a deputy to act for him during any time or times not exceeding in the whole two calendar months in any consecutive period of twelve calendar months. In that case also he must remunerate the deputy out of his own resources.

*Qualification of Deputy.*—The qualification of the person to be appointed deputy is, in the former class of the cases above mentioned, that of being the judge of another county court, or a person who has practised as a barrister for at least three years, or as an attorney of one of her Majesty's superior courts of common law for ten years, but not then residing or practising as an attorney in the district for which the court is holden: in the latter, the qualification is that of being a judge of another county court, or a person who has practised as a barrister-at-law for at least three years. If the deputy be a barrister, he cannot, during the time he acts or shall be entitled to act as such deputy, practise, except in the district of the Westminster County Court, as a barrister in any court within the district for which he acts or shall be entitled to act as such deputy.

*Judge may act in the Commission of the Peace.*—If the name of any judge of a county court be inserted in any commission of the peace for any county, riding, or division of a county in which he is appointed judge, he is competent to act in the execution of the office of justice of the peace, although not qualified by estate as required by law in the case of other justices of the peace.

(To be continued).

### GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

GRAY'S INN.—Charles Robertson Griffiths, Esq.; John Rodham Carr, Esq., LL.D.; and Charles Heywood, Esq.

### GAZETTES.—FRIDAY, May 4.

#### BANKRUPTS.

JAMES VERITY, Leicester-street, Regent-street, and Carlton-road-villas, Kentish-town, shoemaker, May 11 at half-past 12, and June 15 at half-past 11, London: Off. Ass. Cannon; Sol. Story, 36, Great James-street, Bedford-row.—Pet. f. April 28.

CATHERINE DIXON, Lymington, Southampton, dealer and chapwoman, May 19 at 12, and June 15 at half-past 1, London: Off. Ass. Whitmore; Sols. Brown, Lymington; Thomson, 13, Gray's-inn-square.—Pet. f. May 2.

WILLIAM HARDING, Great Saffron-hill, Holborn, baker, May 18 at 11, and June 15 at half-past 11, London: Off. Ass. Cannon; Sol. Padmore, 49, Beaumont-street, Marylebone.—Pet. f. May 3.



**GEORGE EDWARD NEAL**, Pembury, Kent, dealer and chapman, May 10 and June 15 at 1, London: Off. Ass. Whitmore, (and not Cannan, as before advertised); Sols. Cripps, Tunbridge Wells; Church & Langdale, 38, Southampton-buildings, Chancery-lane.—Pet. f. April 27.

**JOHN FLATT**, Saxmundham, Suffolk, grocer, May 15 and June 12 at 11, London: Off. Ass. Johnson; Sols. Southwell, Saxmundham; Pownall & Co., Staple-inn.—Pet. f. May 3.

**HANSARD JACKSON BRIDGES**, Wandsworth-road, Surrey, and Stowmarket, Suffolk, brewer, May 15 at 11, and June 13 at 1, London: Off. Ass. Stansfeld; Sols. Archer, Stowmarket, Suffolk; Trinder & Eyre, 1, John-street, Bedford-row.—Pet. f. April 16.

**GEORGE FREDERICK LILLICRAP**, Bishopsgate-street Without, dealer and chapman, May 11 at half-past 1, and June 23 at 1, London: Off. Ass. Nicholson; Sols. Howard & Dollman, 141, Fenchurch-street.—Pet. f. April 28.

**SAMUEL HODGSON**, Great Marylebone-street, stationer, May 14 at half-past 2, and June 18 at 1, London: Off. Ass. Edwards; Sol. Leigh, 16, George-street, Mansion-house.—Pet. f. May 2.

**HENRY OPPENHEIM**, Ramsgate, dealer and chapman, May 15 at 2, and June 18 at 1, London: Off. Ass. Lee; Sol. Buchanan, 1, Guildhall-chambers, Basinghall-street.—Pet. f. May 2.

**WILLIAM HOE**, Bishopsgate-street Without, dealer and chapman, May 14 and June 19 at 12, London: Off. Ass. Lee; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Pet. f. April 28.

**HENRY ROBINSON**, Brewood, Staffordshire, maltster, May 19 and June 8 at 11, Birmingham: Off. Ass. Bittleston; Sols. Turner, Wolverhampton; Motteram & Knight, Birmingham.—Pet. d. April 24.

**HENRY BARBER**, Kidderminster, licensed victualler, May 16 and June 11 at half-past 10, Birmingham: Off. Ass. Whitmore; Sols. Motteram & Knight, Birmingham.—Pet. d. May 1.

**EDMUND STEVENS**, Walsall, draper, May 19 and June 8 at 11, Birmingham: Off. Ass. Christie; Sols. Bell, Manchester; Motteram & Knight, Birmingham.—Pet. d. April 28.

**THOMAS MEDDINGS**, Chadwell-court Mill, Staffordshire, dealer and chapman, May 19 and June 8 at 11, Birmingham: Off. Ass. Christie; Sols. Turner, Wolverhampton; Motteram & Knight, Birmingham.—Pet. d. April 30.

**SAMUEL LOWE**, Derby, dealer and chapman, May 15 and June 12 at 10, Nottingham: Off. Ass. Harris; Sols. Freeth & Co., Nottingham; Crowder & Co., 57, Coleman-street.—Pet. d. April 18.

**RICHARD MORGAN**, Dowlais, Glamorganshire, dealer and chapman, May 15 and June 18 at 11, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol.—Pet. f. May 1.

**JOHN BURTON and ROBERT EDWARD REES**, South Hamlet, Gloucestershire, barge builders, May 15 and June 18 at 11, Bristol: Off. Ass. Miller; Sol. Smallbridge, Gloucester.—Pet. f. May 2.

**JOSE RICKARD**, Boscawen, Cornwall, dealer and chapman, May 14 and June 21 at 1, Exeter: Off. Ass. Hirtzel; Sols. Bevan & Girling, Bristol; Stogdon, Exeter.—Pet. f. April 24.

**HENRY HAWKEN DYER**, Boscawen, Cornwall, dealer and chapman, May 14 and June 21 at 1, Exeter: Off. Ass. Hirtzel; Sols. Henderson & Co., Bristol; Stogdon, Exeter.—Pet. f. April 24.

**JOHN HOSKIN**, Blackburn, dealer and chapman, May 17 and June 7 at 12, Manchester: Off. Ass. Hernaman; Sol. Tyrer, Liverpool.—Pet. f. April 25.

**JOSEPH BELL**, Little Bolton, cotton spinner, May 17 and June 8 at 12, Manchester: Off. Ass. Hernaman; Sols. Rushton & Armitstead, Bolton-le-Moors.—Pet. f. May 2.

#### MURTERS.

**Wm. Wrenn**, Penge, Surrey, grazier, May 24 at half-past 12, London, last ex.—**J. Fletcher Campbell**, St. Peter's-alley, Cornhill, shipbroker, May 15 at 1, London, last ex.—**James Speller**, Wapping High-street, sailmaker, May 15 at 12, London, last ex.—**Samuel Perkes**, Earl-street, Blackfriars, engineer, May 16 at 2, London, last ex.—**J. Dixon**, Liverpool, cooper, May 14 at 11, Liverpool, last ex.; May 16 at 11, aud. ac.—**T. Hall**, Oldham, bobbin manufacturer, May 16 at 12, Manchester, last ex.—**C. Pennington**, Manchester, builder, May 25

at 12, Manchester, last ex.—**George Hardin**, High-street, Stoke Newington, linendraper, May 18 at 11, London, aud. ac.—**Alexander Wm. Bell**, Coles-terrace, Barnsbury-road, wine merchant, May 22 at 12, London, aud. ac.—**J. Thynne Carr**, Regent-terrace, City-road, timber merchant, May 21 at 11, London, aud. ac.—**James Alexander Hughes**, Victoria Park-road, Hackney, builder, May 21 at 12, London, aud. ac.—**John Burrell Morgan and John Lewis**, Ystalyfera Graig, Glamorganshire, drapers, May 31 at 11, Bristol, aud. ac.—**John Carver**, Liverpool, licensed victualler, May 14 at 11, Liverpool, aud. ac.—**J. C. Stevens and J. Stower**, Liverpool, British-wine merchants, May 14 at 11, Liverpool, aud. ac.—**R. Forshaw**, Liverpool, machine maker, May 16 at 11, Liverpool, aud. ac.; May 28 at 11, div.—**Wm. Martin**, Newcastle-upon-Tyne, joiner, May 22 at half-past 11, Newcastle-upon-Tyne, aud. ac.; May 28 at 11, div.—**Charles Dixon**, Gateshead, draper, May 22 at 12, Newcastle-upon-Tyne, aud. ac.—**Edward Tregenza**, Stockton-on-Tees, shoe dealer, May 22 at 11, Newcastle-upon-Tyne, aud. ac.—**George Armstrong**, South Shields, builder, May 22 at half-past 12, Newcastle-upon-Tyne, aud. ac.—**Wm. Hill**, Manchester, canvas dealer, May 14 at 12, Manchester, aud. ac.—**J. Fletcher**, Unsworth Mill, near Bury, and Manchester, cotton manufacturer, May 15 at 12, Manchester, aud. ac.—**John Hannell**, Manchester, tobaccoist, May 17 at 12, Manchester, aud. ac.—**Edward Crane Hunt**, Kidderminster, ironmonger, June 8 at 11, Birmingham, aud. ac.—**Henry Crane**, Dudley, grocer, May 18 at 11, Birmingham, aud. ac.—**John Lambert**, Halifax, timber dealer, May 17 at 11, Leeds, aud. ac.—**Obadiah Willans and Henry Rawson**, Leeds, cloth merchants, May 17 at 11, Leeds, aud. ac.—**John Child and Wm. Barker**, Wakefield, railway contractors, May 17 at 11, Leeds, aud. ac. sep. est. of **Wm. Barker**.—**Henry E. Wethered**, Churton-street, Pimlico, linendraper, May 28 at 1, London, div.—**J. Thompson** the younger, Terrace, Kensington, draper, May 28 at 1, London, div.—**William Joseph Davis**, Bristol, music seller, May 25 at half-past 1, London, div.—**T. Benwick**, Half Moon-street, Piccadilly, licensed victualler, May 25 at 11, London, div.—**Thos. Filkins**, Worthing, Sussex, wine merchant, May 25 at 12, London, div.—**Charles T. Griffiths**, Woodford Bridge, Essex, underwriter, May 29 at 12, London, div.—**John Swales**, Openshaw, Lancashire, ironmonger, May 16 at 12, Manchester, div.—**Benj. N. Dodd**, Hetton-le-Hole, Durham, grocer, May 25 at 12, Newcastle-upon-Tyne, fin. div.—**Joseph Wood and James Wood**, Allerton, Bradford, spinners, May 25 at 11, Leeds, div. joint est. and sep. ests.—**Francis Kay**, Sheffield, cut-nail manufacturer, May 26 at 10, Sheffield, div.—**Aene Bailes**, Sheffield, licensed victualler, May 26 at 10, Sheffield, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

**George K. Geyelin**, Grafton-street East, Middlesex, white zinc manufacturer, May 25 at half-past 11, London.—**John Close**, Stratford, Essex, baker, May 26 at half-past 12, London.—**Edmund Oakley**, Poole, corn merchant, May 25 at 1, London.—**William C. Currie**, Moorgate-street, merchant, May 26 at half-past 1, London.—**Edward Burnell**, Houndsditch, and Skinner's-place, Leadenhall-market, baker, May 26 at 1, London.—**Robert Ewin**, High-street, Islington, upholsterer, May 25 at 11, London.—**William Martin**, Newcastle-upon-Tyne, joiner, May 25 at half-past 11, Newcastle-upon-Tyne.—**Mary Jackson and Thomas Heywood**, Droylsden, Lancashire, skein printers, May 25 at 12, Manchester.—**James Burnblum**, Manchester, commission agent, May 25 at 12, Manchester.—**Thomas Leavesley**, Coventry, silk dyer, June 7 at half-past 10, Birmingham.—**Thomas Nicholson**, Leeds, machine maker, May 25 at 11, Leeds.—**John Lambert**, Halifax, timber dealer, May 25 at 11, Leeds.—**William Jennings**, Bradford, linendraper, May 25 at 11, Leeds.

To be granted, unless an appeal be duly entered.

**Richard Beck**, Blackman-street, Southwark, watchmaker.—**Charles Davis and John Eaton**, Surbiton-hill, Kingston-upon-Thames, builders.—**Stephen Grantham**, Connaught-terrace, Middlesex, dealer in hay.—**George R. Blackwell**, Cheltenham, marble mason.—**John Larvin How**, Caroline-place, City-road, builder.—**Jane Warren**, Bristol, haberdasher.—**Haydon Lounds**, Bourn, Lincolnshire, coach builder.—**John Henry Cheetham**, Nottingham, lace manufacturer.—**Thomas Freck**, Nottingham, grocer.—**William Preef**, York,

painter.—*R. Martindale*, Low Harrogate, Yorkshire, draper.  
—*Thomas Addy*, Leeds, cloth manufacturer.

#### PETITION ANNULLLED.

*William Holladay* and *James Clemilton*, Watling-street, warehousemen.

#### PARTNERSHIPS DISSOLVED.

*Joseph Noakes Mowbray* and *Nicholas Henry Rowsell*, Verulam-buildings, Gray's-inn, Middlesex, attorneys and solicitors.—*Henry Lumb*, *Robert John Lumb*, *Frederick Lumb*, and *William Stewart*, Wakefield, attorneys, solicitors, and money scriveners, (so far as regards *William Stewart*).—*Thomas Carington Campbell* and *Richard Henry Witty*, Essex-street, Strand, attorneys and solicitors.

#### TUESDAY, May 8.

##### BANKRUPTS.

**HENRY JOSEPH PRATT**, New Bond-street, dealer and chapman, May 22 at 11, and June 19 at half-past 12, London: Off. Ass. Stansfeld; Sols. Smith & Sons, Barnard's-inn, Holborn.—Pet. f. April 5.

**THOMAS PURDY**, Great Yarmouth, Norfolk, wine and spirit merchant, May 18 and June 19 at half-past 1, London: Off. Ass. Graham; Sols. Jay & Pilgrim, Norwich; Jay, Bucklersbury.—Pet. f. April 27.

**ERASMUS SYMONDS**, Great Bell-alley, Moorgate-street, dealer and chapman, May 17 at half-past 1, and June 21 at 12, London: Off. Ass. Bell; Sols. Ashurst & Co., Old Jewry.—Pet. f. May 1.

**JOSEPH WHITELEY BROADHEAD**, Green Owlers, near Holmbridge, Yorkshire, dealer and chapman, May 24 and June 22 at 11, Leeds: Off. Ass. Young; Sols. Kidd & Jessop, Holmforth; Bond & Barwick, Leeds.—Pet. d. and f. April 27.

**DAVID FOSTER**, Goole, West Riding of Yorkshire, dealer and chapman, June 4 at half-past 11, and July 2 at 11, Leeds: Off. Ass. Hope; Sols. Wilson, Goole; Naylor, Leeds.—Pet. d. May 4.

**JOHN BRADBURY**, Sheffield, builder, May 19 and June 30 at 10, Sheffield: Off. Ass. Brewin; Sol. Unwin, Sheffield.—Pet. d. and f. May 5.

**HENRY FREDERICK NEWELL**, Bradford, dealer and chapman, May 18 and June 22 at 11, Leeds: Off. Ass. Young; Sols. Cariss & Cudworth, Leeds.—Pet. d. and f. May 4.

**THOMAS SPURRIER**, Walsall, Staffordshire, dealer and chapman, May 19 and June 15 at 11, Birmingham: Off. Ass. Christie; Sols. Jackson, West Bromwich; Hodgson, Birmingham.—Pet. d. May 4.

**JOHN HORROCKS**, Salford, grocer, May 18 and June 8 at 12, Manchester: Off. Ass. Hernaman; Sol. Lamb, Manchester.—Pet. f. April 28.

**THOMAS SOUTHWARD**, Bolton-le-Moors, corn merchant, May 22 and June 19 at 12, Manchester: Off. Ass. Pott; Sol. Richardson, Bolton-le-Moors.—Pet. f. April 23.

**THOMAS THOMPSON**, Sunderland, bookseller, May 23 at half-past 11, and June 26 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Hoyle, Newcastle-upon-Tyne.—Pet. f. May 3.

##### MEETINGS.

*Edward Dawes*, Wolverhampton, Staffordshire, licensed victualler, May 18 at 12, Wolverhampton, pr. d.—*Edmund L. Owen*, Tottenhall-road, near Wolverhampton, Staffordshire, mineral merchant, May 18 at 12, Wolverhampton, pr. d.—*William Crole* the younger, Rood-lane, East India merchant, May 18 at 2, London, last ex.—*Louis Diespecker*, Little Moorfields, dealer in French purses, May 28 at half-past 11, London, last ex.—*T. Hillman*, Worthing, Sussex, wine merchant, May 18 at half-past 11, London, aud. ac.—*William J. Davis*, Bristol, music seller, May 18 at half-past 1, London, aud. ac.—*Thomas Bewick*, Half Moon-street, Piccadilly, licensed victualler, May 18 at 11, London, aud. ac.—*William Palmer*, Aldgate, draper, May 19 at 1, London, aud. ac.—*Thomas Pollard* and *Arthur J. Symonds*, Guildford, builders, May 19 at 11, London, aud. ac.—*Henry Shaw Goodman*, Starch Green, Hammersmith, varnish maker, May 19 at half-past 1, London, aud. ac.—*John Overbury*, Frederick-place, Old Jewry, woollen warehouseman, May 19 at 12, London, aud. ac.—*Thomas Pearson*, Warwick-court, Holborn, money scrivener, May 21 at 11, London, aud. ac.—*Meyer Jacobs*, Steward-street, Spitalfields, merchant, May 22 at half-past 2,

London, aud. ac.—*Isaac Barton*, Stafford, grocer, June 1 at 11, Birmingham, aud. ac.—*Harry Winton*, *Harry John L. Winton*, and *Edwin Wm. Winton*, Birmingham, agricultural implement makers, May 19 at 11, Birmingham, aud. ac. sp. ests. of *Harry John L. Winton* and *Edwin Wm. Winton*.—*George Parry* the younger, Willenhall, Staffordshire, ironmonger, June 1 at 11, Birmingham, aud. ac.—*George Gillatt*, Barnaley, Yorkshire, confectioner, May 22 at half-past 11, Leeds, aud. ac.—*Charles Heaton* and *James Heaton*, Lime-street and White Lion-street, Spitalfields, export oilmen, May 31 at 11, London, div.—*Edward Harratt* and *John Bland*, Huntingdon and Godmanchester, Huntingdonshire, builders, May 31 at 1, London, div.—*John Haydon*, Barnstaple, Devonshire, draper, May 29 at 2, London, fin. div.—*Henry Savill*, Colchester, grocer, May 29 at 2, London, div.—*Thos. Frost*, Nottingham, grocer, May 29 at 10, Nottingham, aud. ac.

##### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Watney*, Wimbledon, Surrey, baker, May 31 at 1, London.—*Charles Heaton* and *James Heaton*, Lime-street, and White Lion-street, Spitalfields, export oilman, May 31 at 11, London.—*William Winder*, Haymarket, tavern keeper, May 31 at 2, London.—*James Howell*, Judd-street, Brunswick-square, builder, May 31 at half-past 11, London.—*John Frisby Bentley*, Sally, near Welford, Northamptonshire, coal merchant, June 1 at 11, London.—*Charles Henry Harvie*, Goulstone-street, High-street, Whitechapel, and Carlton-hill-villas, Camden-road, Holloway, wholesale cheesemonger, June 1 at 1, London.—*Henry George Cable*, Goswell-street, Clerkewell, draper, May 30 at 1, London.—*Isaac Potheary* and *William Symes*, Nursing, Southampton, boarding-house-keepers, May 30 at 12, London.—*Thomas Tyler*, Wood-street, Cheap-side, warehouseman, May 30 at half-past 12, London.—*John Andrews Clarke* and *Joseph Davison*, Cheap-side, warehousemen, May 30 at half-past 1, London.—*Maria Shepherd*, Warwick, draper, May 29 at 1, London.—*Hugh Lepraik*, Harrison-street, Gray's-inn-road, draper, May 29 at 1, London.—*James Beaven*, Bristol, beer retailer, June 1 at 11, Bristol.—*Robert Barbor*, Phoenix-wharf, Surrey-canal-bank, Deptford, grease manufacturer, May 29 at 2, London.—*John Charles Stevens* and *Jacob Stower*, Liverpool, wine-merchants, May 29 at 11, Liverpool.—*Thomas Fiddes Meyrick*, Wolverhampton, commission agent, June 11 at half-past 10, Birmingham.—*Thomas Hollier*, Leicester, woolstapler, May 29 at 10, Nottingham.—*Thomas Charlesworth*, Nottingham, plumber, May 29 at 10, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Henry Benson Cox*, Southampton, dealer in provisions.—*Thomas Pritchard*, Sidcup, Kent, apothecary.—*William Harrison*, Clyde-terrace, Caledonian-road, Islington, baker.—*Richard Ashby*, Cheltenham-place, Lambeth, baker.—*Samuel Osler*, Grange-road, Bermondsey, leather factor.—*Francis Jenkyns*, Tysoe-street, Wilmington-square, Clerkenwell, corn merchant.—*William Burridge*, Stainby-road, East India-road, Limehouse, builder.—*Christopher Crew* and *Christopher Crew* the younger, Gertrude-street, Chelsea, builders.—*Josiah Tillet*, Colchester, plumber.—*Frederick Carson*, St. Helen's, Bishopsgate-street, merchant.—*John Summerell*, Little York-place, St. Marylebone, carpenter.—*Joseph Edwards* and *Edward Edwards*, Truro, Cornwall, jewellers.—*John Clench*, Exeter, timber dealer.—*John Phillips*, Drimpton, Broadwinor, Dorsetshire, baker.—*Samuel Eason*, Liverpool, merchant.—*William Chadwick*, Liverpool, lime burner.—*Henry Hartley*, Trawden, near Colne, Lancashire, cotton manufacturer.—*George Longmore* and *James Longmore*, Manchester, provision merchants.—*Joseph Lomas*, Manchester, Manchester warehouseman.—*Joshua Bowker*, Hyde, Cheshire, innkeeper.—*William Hughes*, Shelton, Staffordshire, builder.—*Richard Brown*, Rushall, Staffordshire, lime-burner.—*John Bailey*, Cannock, Staffordshire, baker.

##### PARTNERSHIPS DISSOLVED.

*Frederick Carritt* and *George Osgood*, Guildhall-chambers and Basinghall-street, London, attorneys-at-law, solicitors, and conveyancers.—*William Frederick Wratiaslaw Bird* and *James Moore*, Gray's-inn-square, Middlesex, attorneys and solicitors.—*James Shirley Leahey* and *Edward Charlesley*, Lincoln's-inn-fields, attorneys and solicitors.—*George Pell* and *Charles Edmund Banks*, Welford and Northampton, attorneys and solicitors.

White Lion, Sawbridgeworth; the George, Bishop Stortford; of Mr. R. P. Browne, land agent, Great Hallingbury; and in London, of Messrs. Denton, Kinderley, Domville, and Lawrence, 6, New-square, Lincoln's-inn; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

Albury, Herts, five miles from the Railway at Bishop Stortford.—Freehold and small part Copyhold Farm, called "Piggotts," the Fox Public-house, and sundry inclosures of detached Lands; the whole containing 196 acres.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed by the Trustees to **SELL BY AUCTION**, at Garraway's, on Wednesday, June 13, at 12, in seven lots, the following very valuable **FREEHOLD ESTATE**, situate about five miles from the Railway Station at Bishop Stortford, ten from Ware, twelve from Hertford, and adjoining the Kennel of the Puckeridge Hounds, in the parishes of Albury, Little Hadham, and Braughing, viz.:—Piggott's Farm, comprising a comfortable farm-house, (suitable for a hunting-box), good garden, orchard, warm farm-yard, with extensive stabling, wheat, oat, and barley barns, cow-houses and cattle and cart sheds, and 183 acres of productive arable and pasture land, lying very compact, chiefly under-drained, and partly tithe-free. The Fox licensed public-house, adjoining the high road, with offices and gardens. A plot of detached Arable Land, situate in Molly Chops Common. Two inclosures in Parsonage Common, near Parsonage Farm, and abutting on Albury Park. A plot of Arable Land, situate in Ham's Common; and a very valuable inclosure of Land, abutting on the road from Little Hadham to Standon, and adjoining the lands of the Marquis of Salisbury and Mr. Chapman, known as Priory Leys. The whole estate comprises about 196 acres, and are in the occupation of Mr. Peter Sullens, a most respectable tenant, on lease, which will expire on the 29th September, 1857, at the very low rent of 185*l.* per annum.

May be viewed, and particulars, with plans, had of the tenant; at the Fox, on the estate; George, Bishop Stortford; Saracen's Head, Ware; Salisbury Arms, Hertford; and in London, of D. S. Bocket, Esq., solicitor, 60, Lincoln's-inn-fields; at Garraway's; and at the offices of Messrs. Farebrother, Clark, & Lye, 6, Lancaster-place, Strand.

In Chancery.—"Langford v. Selmes."—Near to the Market Town of Lewes, Sussex; also in Pevensey-marsh, Westham, and Laughton, most desirable Freehold and partly Leasehold Estates for 900 years, and the Freehold Rent-charge of 67*l.* 10*s.* per annum, issuing out of adjoining land.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed to **SELL**, at the White Hart Hotel, Lewes, on Friday, June 13, at 1 for 2, under an Order of the High Court of Chancery, and with the approbation of Vice-Chancellor Sir William Page Wood, in lots, the following very valuable **FREEHOLD** and partly **LEASEHOLD ESTATES**, the property of the late Frederick Langford, of Udimore, in the county of Sussex, Esq., deceased, viz.:—Six inclosures of rich Marsh Land, situate in Pevensey-marsh, adjoining the road from Pevensey to Beahill, and the Brighton and Hastings Railway, containing upwards of 50 acres, let to Mr. Willard, as yearly tenant, at 135*l.* per annum. Five inclosures of Pasture Land, adjoining the road from Sevine's-hill to Westham, and Stone-cross to Handcombe, and about 1½ miles from the Pevensey station, containing nearly 12 acres, let to Mr. R. Britten, at 33*l.* per annum. The Spital Barn Farm, (in three lots), situate in the parish of St. John, near the town of Lewes, on the road to Otham, and containing 70 acres, let to John Ellman, Esq., until Michaelmas next, at 11*l.* per annum. The Beechwood Farm, about four miles from Lewes, consisting of a cottage, garden, yard, barn, and sheds, and 76*a.* 2*a.* 26*p.* of productive land, let to C. Langford, Esq., as yearly tenant, at 57*l.* 7*s.* 6*d.* per annum, and held for 990 years. A Freehold and part Copyhold Estate, situate in the parish of Laughton, containing about two acres, let to Robert Pierpoint, at 11*l.* 10*s.* per annum; also the commuted Rent-charge of 67*l.* 10*s.* in lieu of tithes arising from part of the Spital lands, also from lands the property of the late Miss Shelley, the Earl of Abergavenny, and the Rectory of St. John's, Lewes.

Descriptive particulars, with plans, may be had fourteen days prior to the sale, of Messrs. Hooper, Green, and Hunt, solicitors, and Mr. Figg, surveyor, Lewes; at the place of sale; at the Old Ship, Brighton; of Messrs. Reed, Langford, and Marsden, solicitors, Friday-street, Chesham; of J. B. Lowndes, Esq., solicitor, New-inn, Strand; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

In Chancery.—"Langford v. Selmes."—Lewes, Sussex.—Valuable Freehold and partly Tithe-free Lands, (including the greater portion of the site of the ancient Priory of St. Pancras), the whole about 20 acres; also a House and Premises in Star-lane.

**MESSRS. FAREBROTHER, CLARK, and LYE** will **SELL**, at the White Hart, Lewes, on Friday, June 13, at 1 for 2 o'clock precisely, under an Order of the High Court of Chancery, and with the approbation of Vice-Chancellor Sir Wm. Page Wood, the following very valuable **FREEHOLD** and **PARTLY TITHE-FREE ESTATES**, (the property of the late Frederick Langford, Esq., of Udimore, in the county of Sussex, deceased), situate in the parish of St. John the Baptist, at Southover, near to and on the south side of the county and market town of Lewes, forming the larger portion of the site of the ancient Priory of St. Pancras, founded in 1078 by the daughter of William the Conqueror and her husband, William de Warenne, and comprising the picturesque and very interesting ruins of that monastic establishment. Also three valuable pieces of Land, called the Mount-field, Drippingsan-field, and a field adjoining, with a small piece of building ground, the whole about 20 acres. Also a Copyhold House in Russell-crow, Star-lane, Lewes, equal to freehold, being held at a fine certain of 6*d.*

Particulars, with plans, may be had, 14 days prior to the sale, at the offices of Messrs. Hooper, Green, and Hunt, solicitors, Lewes; the place of sale; Old Ship Hotel, Brighton; of Mr. Figg, surveyor, Lewes; of Messrs. Reed, Langford, and Marsden, solicitors, 59, Friday-street, Chesham; of J. B. Lowndes, Esq., solicitor, New-inn, Strand; at Garraway's; and of Messrs. Farebrother, Clark, and Lye, 6, Lancaster-place, Strand.

In Chancery.—"Langford v. Selmes."—Brighton, Sussex.—Freehold Ground Rents and Houses.

**MESSRS. FAREBROTHER, CLARK, and LYE** will **SELL**, at the Old Ship, Brighton, on Saturday, June 16, at 1 for 2 o'clock precisely, under an Order of the High Court of Chancery, and with the approbation of Vice-Chancellor Sir Wm. Page Wood, in sixteen lots, the following **FREEHOLD ESTATES**, the property of the late Frederick Langford, of Udimore, in the county of Sussex, Esq., deceased, viz.:—A Freehold House, No. 93, Edward-street; five Houses, Nos. 1 to 5, Park-street, leading to Brighton Park; two Houses, Nos. 12 and 13, Warwick-street; and Ground Rents issuing out of Nos. 6, 7, 8, 9, 10, and 11, Park-street; Nos. 3, 4, 5, 10, and 16, George's-road; No. 18, Eastern-road; No. 68, Carlton-street; and Nos. 31, 32, 33, 34, and 35, Cumberland-place; the whole producing a rental of 1621*l.* 7*s.* per annum.

May be viewed, and particulars had, 14 days prior to the sale, of Messrs. Hooper, Green, and Hunt, solicitors, and Mr. Figg, surveyor, Lewes; at the place of sale; of Mr. Wm. Marchant, 154, North-street, Brighton; of Messrs. Reed, Langford, and Marsden, solicitors, Friday-street, Chesham; of J. B. Lowndes, Esq., solicitor, New-inn, Strand; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

In Chancery.—"Langford v. Selmes."—Sussex and Kent.—Valuable Freehold Estates—Farms and rich Marsh Lands—in the Parishes of Udimore, Brede, Sedlescombe, Warbleton, Rye, Jeklesham, and New Romney, in the county of Sussex.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed to **OFFER for SALE**, at Garraway's, on Wednesday, June 27, at 12 o'clock, under an Order of the High Court of Chancery, and with the approbation of Vice-Chancellor Sir Wm. Page Wood, in lots, the following **FREEHOLD ESTATES**, (the property of the late Frederick Langford, of Udimore, in the county of Sussex, Esq., deceased), viz.:—Bucksteep Manor Farm, seven miles from Pevensey and Battle, and eight from Hailsham, with superior farm, residence, garden, yards, barns, east-house, and other agricultural buildings, and 252 acres of meadow, pasture, and arable lands, and hop gardens, lying very compact, abounding with game, and intersected by a trout stream, in the occupation of Mr. Smith, (except the woodland in hand), until Michaelmas next, at a yearly rental of 135*l.* A Farm, called the Powder-mill Farm, in the parishes of Udimore, Brede, and Sedlescombe, an easy distance from Rye, Battle, and Hastings, consisting of a small farm-house, yards, barns, east-house, and sheds, and 79 acres of land, let (except 25 acres of woodland in hand) to Mr. Stephen Morrey, at 83*l.* per annum. A small Farm, of rich productive land, with farm-house and buildings, near the Winchelsea Station, one mile and a half from Winchelsea, and three from Rye, let to Mr. Collins. The Broad-street Farm, with farm-house, yards, barns, east-house, &c., and labourers' cottages, with 118 acres of productive land, and hop garden, situate two miles from Winchelsea, and six from Hastings and Rye, let to Mr. Austin, at 2*l.* per annum. A very valuable Estate in the parishes of Rye and Jeklesham, consisting of nearly 90 acres of rich marsh land, let to Messrs. Langford and Austin; and about 18 acres of capital marsh land, at New Romney and Ivy Church, let to Mr. Hilder.

Descriptive particulars and plans are preparing, and may be had one month prior to the sale, and the estates viewed on application to the tenants. Particulars also at the principal inns at Winchelsea, Rye, Hastings, and Brighton; Messrs. Hooper, Green, and Hunt, solicitors, Lewes; Mr. W. Figg, surveyor, Lewes; J. B. Lowndes, Esq., solicitor, New-inn, Strand; Messrs. Reed, Langford, and Marsden, solicitors, Friday-street, Chesham; at Garraway's; and of Messrs. Farebrother, Clark, and Lye, 6, Lancaster-place, Strand.

Kent.—Very valuable Freehold Estates, in the parishes of Horton Kirby, Farningham, Fawkham, Kemsing, and Seal, comprising nearly 1300 acres, late the property of James Russell, Esq., deceased.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed by the Executors to **SELL BY AUCTION**, at Garraway's, on Thursday, June 28, at 12, the following valuable **FREEHOLD ESTATES**, in a most beautiful part of the county of Kent, the greater part with possession, about twenty miles from London, five from Dartford, and three from Farningham, in the parishes of Horton Kirby, Fawkham, Farningham, and Kemsing, divided into the following lots, viz.:—Lot 1. A very compact Farm, known as Canada, with two cottages and farm buildings. The Well Field and Beeches Wood, containing together about 106 acres. Lot 2. Church Down Wood, containing 19 acres, situate near Fawkham Church. Lot 3. A valuable Farm, known as Dean Bottom, with homestead and cottages thereon, and about 40 acres of very productive arable land. Lot 4. The Speedgate and Lower Fawkham Farms, including Farningham Fields, with capital slated residence, good garden and offices, lodge, newly-erected cottages for labourers, and most extensive farm buildings, in the best possible state of repair, and erected on various parts of the farm to suit the convenience of occupation; and about 350 acres of arable, hop, pasture, and wood land. Lot 5. The Brandahatch Estate, comprising a good sporting residence, with drawing and dining rooms, five bed rooms, and excellent offices, pleasure grounds, kitchen gardens, &c., very spacious farm buildings, and sundry cottages for labourers, and 615 acres of arable, hop, and wood land, the whole within a ring fence. Lot 6. The Little Brandahatch Estate, situate on Fawkham-green, abutting on the road to Ash, with three cottages, gardens, and stable, &c., and about 4 acres of meadow land, valuable for building purposes, let to Mr. Webster at 35*l.* per annum. Lot 7. The Knockmill Woods, situate close to the Portobello Arms, on the road from Farningham to Wrotham and Sevenoaks, containing about 65 acres. Lot 8. A desirable Inclosure of Meadow Land, situate near to the village of Eyesham, in the parishes of Kemsing and Seal, containing about 9 acres, let to Mr. Bennett at 16*l.* per annum. Lot 9. A Cottage and large Garden, situate in the village of Horton Kirby, with valuable frontages to the high road for building purposes, let to Mr. Plumb. Lot 10. Five brick-built Cottages, near the preceding lot, and abutting on the Fighting Cocks, let to various tenants. Lots 11 to 15 inclusive consist of Rent-charges, amounting together to above 200*l.* per annum, and issuing out of sundry farms and fields, &c., in the parish of Horton Kirby. The greater portion of the estates has been for many years in the hands of the late owner and his family, and

is in the highest state of cultivation, large sums having been constantly expended in improvements; possession, if desired by a purchaser, may be had on the 11th October next.

May be viewed, and, on application at Brandshatch, Thomas King will shew the estate. Particulars, with plans, had at the Bull Inn, Dartford; Lion, Farningham; Jolly Millers, and Fighting Cocks, Horton Kirby; Bell Inn, Bromley; the Portobello Arms, close to the estates; New Inn, Gravesend; Bull, Rochester; Sun, Chatham; of Benjamin Bodmin, Esq., solicitor, 18, Cannon-street East; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, 6, Lancaster-place, Strand.

In Chancery.—"Spickernell v. Hotham and others."—Oxfordshire, within five miles of the city of Oxford.—The Shotover Estate, comprising a capital Mansion, with beautiful park and pleasure grounds, Five compact Farms, sundry Cottages, and Parcels of Accommodation and Allotment Land, the whole containing about 900 acres.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed to **SELL by AUCTION**, at Garraway's, on Wednesday, the 4th day of July, at 12 o'clock, under an Order of the High Court of Chancery, and with the approbation of Vice-Chancellor Sir William Page Wood, the following very valuable **FREEHOLD ESTATES**, title free and land-tax redeemed, situate in the parishes of Shotover and Wheatley, within five miles of the city of Oxford, and eight from Thame, on the London high road, comprising the distinguished mansion known as Shotover House, built by Sir Timothy Tyrrell, Bart., in the reign of James I., celebrated as the place selected by Queen Elizabeth to meet the authorities of Oxford on her visit to that city. The mansion, which is stone, built in the Grecian style of architecture, is approached from the road by a carriage drive through the park, ornamented with a beautiful avenue of trees, and contains a grand entrance hall, a magnificent suite of rooms, comprising saloon, drawing-room, and state bed-room, a noble dining-room and arcade opening to the grounds, numerous principal and secondary bed-chambers and dressing-rooms, and well-arranged domestic offices; with good stabling, loose boxes, coach-houses, &c., lawn studded with stately chestnut and oak of large growth, and other trees, pleasure grounds tastefully disposed in terrace and other walks, lakes of water and fish-ponds, Gothic temple, pleasure and summer houses, obelisk, &c., kitchen gardens, vinery, and orchard; for many years the residence of George Vandeput Drury, Esq. Also the following compact Farms, principally let on leases to highly respectable tenants, viz. West-hill, Home-hill House, Lodge, and Thornhill Farms; and in the village of Littleworth a Farm-house, and about 25 acres of meadow and arable land, let to Mr. John Ring, at 43l. per annum; sundry Cottages, with gardens, several parcels of accommodation and allotment land, with woodland and coppices (in hand), forming an excellent preserve for game. The whole estate contains about 900 acres, and produces a present yearly rental of about 1500l. per annum. The estate abounds with valuable clays, particularly ocre, which is considered the finest in England. A considerable income may be realised, in addition to the above rental, from this source.

The estate may be viewed, (the mansion by cards only), and particulars, with plans, had of the bailiff, who will shew the estate; at the Star Hotel, Oxford; Spread Eagle, Thame; Crown, Wheatley; and of the following solicitors:—Messrs. H. and E. Willoughby, 4, Lancaster-place, Strand; Messrs. Brace and Colt, 24, Surrey-street, Strand; Messrs. J. Gregory and Sons, 12, Clement's-inn; Messrs. Plucknett and Adams, 17, Lincoln's-inn-fields; Messrs. Hopwood and Son, 47, Chancery-lane; Messrs. Bell, Brodric, and Bell, Bow-churchyard; Messrs. Walsh, Oxford; William Gray, Esq., York; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place.

In Chancery.—"Branding v. Plummer."—Peremptory Sale.—The important Collieries of Gosforth and Coxlodge, near to Newcastle-on-Tyne, Northumberland.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed to **SELL by AUCTION**, at Garraway's, on Wednesday, July 4, at 12, in lots, pursuant to a Decree of the High Court of Chancery made in the above cause, and with the approbation of the Hon. Sir George Rose, one of the Masters of the said Court, the extensive and well-known **COLLIERY** called Gosforth Colliery, for a term of thirty-one years from 1852, producing about 25,000 chaldrons of round coal annually, with all the stock used to work the said colliery, and estimated in July, 1853, to be of the value of 18,000l. Also the Gosforth Royalty in fee, producing by the before-described lease upwards of 3000l. per annum; and five ninth parts of a Leasehold Property, called Coxlodge or Riddell's Wall's-end Colliery, with engines, machinery, and stock thereunto belonging. The collieries are most advantageously situate at an easy distance from a convenient and deep water place of shipment on the river Tyne, and are the only collieries on that river in which any considerable portion of the Wall's-end seams remain unwrought.

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# The Jurist

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## THE JURIST.

LONDON, MAY 19, 1855.

No class of provisions in the Common-law Procedure Act, 1854, have been found more useful in practice, or have been more frequently resorted to, than those which enable parties to a cause to deliver interrogatories, one to the other. (17 & 18 Vict. c. 125, ss. 51—57). By thus obtaining information as to the real facts of the case, surprise at the trial is in a great measure avoided; the litigants may prepare with greater safety for the actual conflict; or one of them, perceiving, at a comparatively early stage, the hopelessness of success, may retire from the further maintenance of his case. We can, therefore, well understand how it is that in so many actions this important privilege is exercised with considerable effect. The applications relating to this subject are generally made at chambers, and as yet but few questions have been mooted upon it in court. Though few, however, they are important, and we propose to examine them in their order\*.

The first is *Martin v. Hemming*, (10 Exch. 478), decided in Michaelmas Term, 1854. That was an action on a bill of exchange by indorsee against acceptor. After declaration, but *before* plea, the defendant applied (under sect. 51) for leave to deliver certain interrogatories†. The Court refused the application,

\* See 18 Jur., part 2, p. 397, for an article upon this subject, in which forms of affidavits and interrogatories were submitted for use before experience had been had of the working of the statute.

† We subjoin these interrogatories as being useful in practice. In order to understand several of them, it should be stated that Peter Martin was the drawer of the bill:—

"1. When was the bill in the declaration in this cause mentioned first indorsed to you?

upon the ground, that although they had the power to allow the delivery before plea, they would not exercise it, except under special circumstances, as, for instance, where the defendant makes out a case of urgent necessity, which he did not in the case then before the Court\*. Considerable discussion took place regarding the effect of the new powers conferred upon the com-

"2. Was it at the same or any other time actually delivered to you; and if the latter, when was it so delivered?

"3. Was there any consideration for such indorsement to you; if so, state what the consideration was, and when it passed; and if there was a money consideration, how and when it was paid, and whether in gold, notes, or by cheque; and if by cheque, on what bank and of what date?

"4. Did you at any time indorse away the bill to any other person or persons; and if so, to whom, and when, and for what, if any, consideration?

"5. Who was the holder of the bill when it became due?

"6. Did you receive any notice of dishonour of the bill; and if so, from whom, and when?

"7. If you were not the holder of the bill when it became due, did you take it up; and if so, when, or who took it up?

"8. Was it taken up by Peter Martin; and if so, when? And did he deliver it to you after he had so taken it up; and if so, when, and for what purpose?

"9. Did you know that the defendant and his creditors had entered into a deed of arrangement for winding up his affairs, according to the Bankrupt-law Consolidation Act, 1849; if so, when did you first become acquainted with the fact that he had entered into such deed of arrangement, and how and from whom did you learn such fact?

"10. Did you know that the said deed was signed by Peter Martin and by the Borough Bank of Liverpool; and if so, when did you first become acquainted with that fact, and by whom or in what way were you informed of it?

"11. What is your calling and business, and where do you reside and carry on such business? What relation, if any, are you to Peter Martin? Are you in partnership with him, or do you carry on business in the same house or office as Peter Martin?"

\* An application under the 50th section for the discovery of documents may be made *before* plea pleaded. (*Forshaw v. Lewis*, 10 Exch. 712).



mon-law Courts. In the course of the argument it was contended by the defendant's counsel, that the rules by which the system of discovery in equity was governed did not strictly apply to the new system; that such rules were applicable to a state of things when the parties to a suit were not examinable at law; that as they could now be examined in the witness-box, there was no reason why equitable rules should be applied to their written examination. The general language of the section was referred to—"any matter upon which discovery may be sought"—and it was contrasted with sect. 6 of the 14 & 15 Vict. c. 99, relating to the inspection of documents, which allowed such inspection in all cases in which "a discovery might have been obtained by filing a bill, or any other proceeding, in a court of equity." The term "discovery," it was argued, was not to be taken in a technical sense, nor to be construed with reference to its meaning in equity, but that it meant "information." A larger power was given than had hitherto existed, but the leave of the Court was required as a check against the abuse of it. It was therefore urged, that although in equity the right of a party to discovery was limited to the evidence necessary to sustain his own case, to the exclusion of that by which the case of his opponent exclusively might be sustained, (Wig. Disc. 4, 265, 2nd ed.; Story's Eq. Jur., ss. 14, 97), yet under the new practice each of the contending parties should be allowed to learn, before trial, in what manner and by what evidence his adversary proposed to establish his own case. The Court, however, gave no opinion upon these points.

Next came *Osborn v. The London Dock Company*, (10 Exch. 698), decided in last Hilary Term, in which a very important question was raised, namely, whether a witness, objecting to a question upon the ground of its tendency to criminate him, is bound to satisfy the Court that such will be its effect, or whether he is himself the sole judge of its effect\*. Mr. Baron Parke said that the weight of the authorities seemed to be in favour of the rule which requires the witness to satisfy the Court that such will be the effect of the question; but without determining this point, the learned judges decided that at all events the objection must come from the witness himself, and not from his attorney†. The action was to recover certain pipes of wine; the defendants by their pleas denied that they were the property of the plaintiff, and sought by their interrogatories (150 in number) to shew that fraudulent practices had been resorted to, whereby other wines belonging to third parties had been substituted for those which had been deposited with the defendants by the plaintiff, and that the plaintiff himself was a

party to the fraud. An affidavit by the plaintiff's attorney, that the question tended to criminate his client, was held to furnish no answer to the application. In the course of the argument it was contended that the right to deliver interrogatories was confined to cases where a discovery might have been obtained in a court of equity; but Mr. Baron Parke said, "*The language of the 51st section*" (which is the one in question) "*is much more extensive in its signification, and has no such limitation as that contended for.*" The 50th section, which empowers the Court to order the production of documents, says that it shall be done upon the affidavit of the party applying for the document, 'to the production of which he is entitled for the purpose of discovery, or otherwise.' And the 51st section says that the party may be interrogated 'upon any matter as to which discovery may be sought.' It does not say that the power is limited to cases in which a bill of discovery will lie." Mr. Baron Alderson added—"The proceeding is analogous to that of the examination of a witness at the trial. It seems to me that the same rules should be followed. . . . The system introduced by this statute is an improvement upon the method of proceeding by bill of discovery." It will be observed with satisfaction, that if the Court of Exchequer has put a somewhat narrow construction upon the statute, so far as it relates to equitable defences, (*The Mines Royal Society v. Magnay*, 10 Exch. 489), they have sought to give a liberal interpretation to the "discovery" clauses, and rather to mould and adapt them to the common-law system of examination of witnesses, than to incumber them with the rules and doctrines incident to the bill of discovery in Chancery.

We shall conclude our observations by briefly calling attention to the last case upon the subject, (*Thol v. Leask*, 10 Exch. 704), in which the Court (H. T., 1855) decided, first, that the rule for the delivery of the interrogatories is a rule nisi merely in the first instance; and, secondly, allowed the plaintiff to interrogate the defendant, who had bought goods for him (according to the bought note) "as from a principal," whether he acted in the transaction as principal or agent; and if as agent, to name the principal\*.

## NOTES OF THE WEEK.

### HOUSE OF COMMONS.—May 15.

#### STATUTE-LAW COMMISSION.

Mr. L. King asked whether it was intended to ask for a vote of supply this year for the Statute-law Commission; and if so, when the estimate would be laid upon the table; or whether it was intended to issue money for the purposes of the commission without the previous sanction of Parliament?

\* The interrogatories were the following:—

"1. Whether the defendant entered into the contract in the declaration as principal or agent?

"2. If as agent, for whom, and by what authority?

"3. If there are any entries in the defendant's books shewing who was the principal in that transaction, and if he has any entry in his contract-book to that effect?

"4. If any money paid to him in respect of the contract in the declaration has been paid over to such principal, and when, and how?

"5. If he has any entry in his pass-book, or other book or books, shewing such payment?"

\* See upon this point Best Ev. 162, 2nd ed.; Ph. Ev. 488, 10th ed.; Tayl. Ev., s. 1071; *Fisher v. Ronalds*, (12 C. B. 762); *Short v. Mercier*, (3 Mac. & G. 205); and *Garbett's case*, (1 Den. C. C. 236).

† The objection also, it seems, should be raised by the affidavit in answer to the interrogatories, as a "just cause" for not answering such as tend to criminate, and is not a ground for disallowing the interrogatories in the first instance. See *Forslaw v. Lewis*, (10 Exch. 712), where it was held to be no answer to an application, under sect. 50, for the discovery of documents, that they were such as the party was privileged from producing; but it was said, that if that were so, the fact may be shewn in the affidavit to be made in obedience to the rule.



Mr. *Wilson* said there would be a vote proposed for this year, which would be found in class 7. No money would be issued in the meantime, except on the vote of last year, or for expenses already incurred.

#### LAW OF MORTMAIN.

Mr. *Atherton* moved for leave to bring in a bill to amend the laws relating to mortmain. He did not propose to interfere with that chief principle of mortmain which referred to the vesting of lands in corporate bodies. His bill was mainly intended to amend the stat. 9 Geo. 2, c. 36, relative to the appropriation of land to charitable purposes. With regard to those conveyances of land that were upon full valuable consideration, he proposed to do away with all the restrictions that now existed, with the exception of that which required inrolment in Chancery within six months. The other class of conveyances for charitable purposes were those in which the donor made a voluntary disposal of property without any valuable consideration. In conveyances of this description, he proposed to retain certain restrictions, including inrolment in Chancery; and he also proposed a clause, the object of which was to extend the provisions of what was known by the name of Peto's Act. The honourable and learned member then moved for leave to bring in a bill.

After a few words from Mr. *Malins* in favour of the motion, leave was given to bring in the bill.

#### JUSTICE OF THE PEACE QUALIFICATIONS.

Mr. *Cobville* moved for leave to bring in a bill to amend the laws relating to the qualification of justices of the peace. At present no gentleman could qualify unless he was possessed of real property of the value of 100*l.* a year. The alteration which he proposed was, that persons who were possessed of personal property to the extent of 300*l.* a year should likewise be qualified to act as justices of the peace.—Leave given.

### FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 182).

#### III.—JUDGES, OFFICERS, AND ADVOCATES.

##### Judge—(Continued).

**Holding Courts.**—The judge is required to hold a court in each district at least once in every month, or at such other interval as one of the Secretaries of State shall order. Of the monthly court he must give at least three months' notice; but he may hold additional courts without such notice. He is not permitted to hold more than one court in any one day. No vacation is allowed to the judge except the time elapsing between the monthly holding of the courts. Where a judge has twelve or thirteen courts on his circuit, this period is necessarily short.

**Number of Judges.**—The number of existing judges is sixty.

##### Clerk.

To each court at least one clerk is appointed, but in many cases one person has been appointed clerk to several courts. For the future, however, no clerk can be appointed to more than one court, unless no local attorney will accept the office, or the Chancellor shall otherwise direct. Each clerk hereafter to be appointed must be resident in the district for which he is appointed.

**Qualification.**—The qualification of a person proposed to be clerk is, that he shall be an attorney of one of her Majesty's superior courts of common law.

**Appointment—How removeable—Security.**—He is appointed by the judge of the court, subject to the approval of the Lord Chancellor or the Chancellor of the Duchy of Lancaster respectively. No particular form

of appointment is necessary. He is removeable at the discretion of the Lord Chancellor or Chancellor of the Duchy respectively. On his appointment he is bound to give security for such sum and in such manner as the Commissioners of her Majesty's Treasury shall order, for the due performance of his office, and for the due accounting for and payment of all monies received by him by virtue of his office, or which he may become liable to pay for any misbehaviour in his office.

**Disqualification.**—When appointed, the clerk is not permitted to be directly or indirectly concerned as attorney or agent for any party in any proceeding in the court.

**Appointment of Deputy.**—Where the clerk, by illness or unavoidable absence, is prevented from acting in his office, he may, with the approval of the judge, or in case of inability of the clerk, the judge may appoint a person qualified to be appointed clerk of the court to act as deputy, but he is liable to be removed at the clerk's pleasure. When the clerk appoints a deputy, the reason of such appointment must be entered on the minutes of the court in which he acts.

**Duties.**—The clerk, besides attending the sitting of each court, is bound to issue all summonses, warrants, precepts, and writs of execution, and register all orders and judgments of the court; to take charge of and keep an account of all court fees and fines payable or paid into court, and of all monies paid into and out of court; and to enter an account of all such fees, fines, and monies in a book belonging to the court, to be kept by him for that purpose, and to submit his accounts to be audited and settled by the treasurer. In protection cases he is the official assignee of the insolvent estate. A variety of other duties in matters of detail, necessary to the convenient conduct of the court and the clerk's office, are required by the Rules of Practice to be performed by him.

**Remuneration.**—His remuneration on the first establishment of the courts was, and still generally is, by certain fees appointed to be taken upon the proceedings in court. A power was, however, reserved to the Government to pay the clerk by an annual salary, not exceeding 700*l.* Out of the fees which the clerks are authorised to take they are bound to pay their assistant clerks. The above power of the Government has been exercised in fifteen districts, where the clerk had only been appointed to one court, and the annual salary appointed to each is 600*l.*, with one exception, where the salary is 500*l.* The salaries of the necessary assistant clerks are also paid by the Government in those cases. Where one clerk has been appointed to several courts, and in some instances the number of them is twelve, he usually makes an arrangement with some local attorney in each district to act as assistant clerk of the court attached to it; a share of the fees is generally the remuneration of the latter, the amount being matter of agreement between the principal and assistant clerk. In some thinly-populated districts the share of the fees which the assistant clerk receives does not exceed 10*l.* per annum.

**Distinction between Deputy and Assistant Clerks.**—It may be convenient here to point out the distinction between a deputy clerk and assistant clerk. A deputy clerk must have the same qualification (that of being an attorney of a superior court) as a principal clerk; he can only be appointed in certain emergencies, and with the sanction of the judge. An assistant clerk need not be so qualified, (though he generally is), and he may be appointed without the sanction of the judge. The former, by virtue of his appointment, can act in court, and perform all the duties of the principal clerk; the latter cannot act in court, and can only perform such duties as the principal clerk prescribes.

(To be continued).

**Court Papers.****EQUITY SITTINGS, TRINITY TERM, 1855.****Court of Chancery.***Before the LORD CHANCELLOR, at Lincoln's Inn.*

Tuesday.... May 22	Appeal Motions and Appeals.
Wednesday..... 23	Petitions and Appeals.
Thursday..... 24	} Appeals.
Friday..... 25	
Saturday..... 26	
Monday..... 28	
Tuesday..... 29	Appeal Motions and Appeals.
Wednesday..... 30	} Appeals.
Thursday..... 31	
Friday..... June 1	
Saturday..... 2	
Monday..... 4	} Appeals.
Tuesday..... 5	
Wednesday..... 6	
Thursday..... 7	
Friday..... 8	} Appeals.
Saturday..... 9	
Monday..... 11	
Tuesday..... 12	
Monday..... 11	Petitions and Appeals.
Tuesday..... 12	Appeal Motions and Appeals.

*Notice.*—Such days as his Lordship is engaged in hearing Appeals in the House of Lords excepted.

*Before the LORDS JUSTICES, at Lincoln's Inn.*

Tuesday.... May 22	Appeal Motions and Appeals.
Wednesday..... 23	} Appeals.
Thursday..... 24	
Friday..... 25	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday..... 26	} Appeals.
Monday..... 28	
Tuesday..... 29	Appeal Motions and Appeals.
Wednesday..... 30	} Appeals.
Thursday..... 31	
Friday..... June 1	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday..... 2	} Appeals.
Monday..... 4	
Tuesday..... 5	Appeal Motions and Appeals.
Wednesday..... 6	} Appeals.
Thursday..... 7	
Friday..... 8	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday..... 9	} Appeals.
Monday..... 11	
Tuesday..... 12	Appeal Motions and Appeals.

*Before the Right Hon. the MASTER OF THE ROLLS, at Chancery-lane.*

Tuesday.... May 22	Motions.
Wednesday..... 23	General Petition-day.
Thursday..... 24	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Friday..... 25	
Saturday..... 26	
Monday..... 28	
Tuesday..... 29	Motions.
Wednesday..... 30	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Thursday..... 31	
Friday..... June 1	
Saturday..... 2	
Monday..... 4	} Motions.
Tuesday..... 5	
Wednesday..... 6	
Thursday..... 7	
Friday..... 8	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday..... 9	
Monday..... 11	
Tuesday..... 12	
Monday..... 11	General Petition-day.
Tuesday..... 12	Motions.

N.B.—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims every Saturday. The Unopposed Petitions to be taken first.

*Notices.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDRESLEY, at Lincoln's Inn.*

Tuesday.... May 22	Motions and General Paper.
Wednesday..... 23	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Thursday..... 24	
Friday..... 25	
Saturday..... 26	
Monday..... 28	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday..... 29	
Wednesday..... 30	
Thursday..... 31	
Friday..... June 1	Petitions (unopposed first).
Saturday..... 2	Short Causes, Short Claims, & Causes.
Monday..... 4	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday..... 5	
Wednesday..... 6	
Thursday..... 7	
Friday..... 8	Petitions (unopposed first).
Saturday..... 9	Short Causes, Short Claims, & Causes.
Monday..... 11	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday..... 12	

N.B.—Petitions will be heard on Petition-days only.

*Before Vice-Chancellor Sir J. STUART, at Lincoln's Inn.*

Tuesday.... May 22	Motions.
Wednesday..... 23	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday..... 24	
Friday..... 25	Petitions and General Paper.
Saturday..... 26	Short Causes and Claims, and General Paper.
Monday..... 28	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday..... 29	Motions and General Paper.
Wednesday..... 30	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday..... 31	Petitions and General Paper.
Friday..... June 1	Short Causes and Claims, and General Paper.
Saturday..... 2	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday..... 4	Motions and General Paper.
Tuesday..... 5	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 6	Petitions and General Paper.
Thursday..... 7	Short Causes and Claims, and General Paper.
Friday..... 8	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday..... 9	Motions.
Monday..... 11	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday..... 12	Motions.

*Before Vice-Chancellor Sir W. P. WOOD, at Lincoln's Inn.*

Tuesday.... May 22	Motions and General Paper.
Wednesday..... 23	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday..... 24	
Friday..... 25	Petitions, Short Causes and Claims, and General Paper.
Saturday..... 26	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday..... 28	Motions and General Paper.
Tuesday..... 29	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 30	Petitions, Short Causes and Claims, and General Paper.
Thursday..... 31	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday..... June 1	Motions and General Paper.
Saturday..... 2	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday..... 4	Motions and General Paper.
Tuesday..... 5	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday..... 6	Petitions, Short Causes and Claims, and General Paper.
Thursday..... 7	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday..... 8	Motions and General Paper.
Saturday..... 9	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday..... 11	Motions and General Paper.
Tuesday..... 12	Motions and General Paper.

## EQUITY CAUSE LISTS, TRINITY TERM, 1885.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjoined—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*Sh.* Short.

## Court of Chancery.

Before the LORD CHANCELLOR.

## APPEALS.

Maynell v. Surtees }	Rogers v. Rogers
Meynell v. Surtees }	Broughton v. Broughton (6)
Tench v. Cheese (5) <i>Full Cl.</i>	Villebois v. Villebois
Pennell v. Smith	Pryce v. Bury
Meek v. Ridler	Pryce v. Swarder } <i>Full Cl.</i>

Before the LORDS JUSTICES.

## APPEALS.

Lake v. Brutton <i>After Term</i>	Earl Mansfield v. Ogle (6) <i>Not before the 4th day of Apps.</i>
Rooth v. Tomlinson (2)	Robinson v. Anderson
Rooth v. Tomlinson (2)	Houghton v. Lees
Stanger v. Wilkins <i>Not before the 4th day of Appeals</i>	Turner v. Lettis
Lomax v. Ripley } <i>S O until</i>	Scott v. Scott
Rayne v. Ripley } <i>after Term</i>	Bullock v. Bennett
Lancashire Assurance Co. v. Reddish	Pound v. Vickers
Collinge v. Knight (4) <i>Not before the 4th day of Appeals</i>	Perry v. Walker (2)
Ware v. Watson (2) <i>Not before the 4th day of Appeals</i>	Desborough v. Harris
Yeates v. Roberts	Minet v. Leman
	Paddon v. Richardson }
	Paddon v. Pease }
	CAUSE.
	Walker v. Walker (M for decree, Ptn).

Before the Right Hon. the MASTER OF THE ROLLS.

## CAUSES, &amp;c.

Sharpe v. Cosserat (Cause)	Smith v. Bakes (Cause)
Fry v. Noble (M for decree)	Bayldon v. Milner (M for decree)
Aspland v. Watte (Cause)	Henry v. Thornton (Cause)
Lane v. Jackson (Cause)	Mountain v. Sowden (Cause)
Bullivant v. Pope (Cause)	Philpott v. President and Governors of St. George's Hospital (M for decree)
Wray v. Modworth (M for decree)	Smith v. Smith (M for decree)
Monypenny v. Baker (Cause)	Daniel v. Fussell (M for dec.)
Scott v. Roberts (Cause)	Earl of Craven v. Ure (M for decree)
Drax v. Burton (M for decree)	Hope v. Liddell (Cause)
June 1	Liddell v. Norton (M for decree)
Gouldin v. Howell (Cause)	Webster v. Bean (Cause) }
Clark v. Fenwick (Cause)	Bean v. Webster (Cause) }
Lancaster v. Darlington (Can.)	Lowe v. Cresswell (Cause)
June 1	Hall v. Clive (Cause)
Armstrong v. Armstrong (M for decree)	Fell v. Norman (M for decree)
Orrett v. Corser (M for dec.)	Bourne v. Shaw (Cause)
Lord Kensington v. Bouverie (Further consideration)	Tweddell v. Rogerson (M for decree)
Marryat v. Marryat (M for decree)	Fitzgerald v. Morgan (Cause)
Pennell v. Miller (Cause)	Ogden v. Ogden (Cause)
Price v. Hamblet (2) (Cause)	Clements v. Hall (M for dec.)
Parkins v. Lees (Can.) <i>June 9</i>	Rotton v. Barron (Cause)
Thompson v. Armitage (Can.)	Sanders v. Weir (Cause)
Jennings v. Christopher (Ca.)	Bunny v. Hopkinson (Cause)
Ferraby v. Commercial Credit Mutual Assurance Society (Cause)	Goodfellow v. Rider (M for decree)
Littlejohns v. Household (Ca.)	Marryat v. Marryat (Cause)
May 28	Richardson v. Heald (Cause)
Bankart v. Kirkhouse (M for decree)	Chodwick v. Viskerman (M for decree)
Worthington v. Davenport (M for decree)	Ross v. Ross (M for decree)
Rackham v. Gilbert (Cause)	Williams v. Close (Cause)
Morgan v. Thomas (Cause)	Roberts v. Gledney (Cause)
Clapham v. Manby (M for decree)	Phillips v. Lewis (Further consideration)

Johnson v. Cobb (F D, C)	Serman v. Goodlake (M for decree)
Reed v. Lockwood (Cl)	Lyon v. Lyon (M for decree)
Cooper v. Cooper (M for decree)	Thompson v. Drew (Further consideration)
Penhall v. Allen (Further consideration)	Ross v. De Havilland (M for decree)
Summerfield v. Prichard (Further consideration)	Eckersley v. Lea (Further consideration, from chambers)
Duerden v. Lancaster (Cause)	Hill v. Tollitt (Further cons.)
Borman v. Parkinson (Cause)	Aahby v. Wallis (Cl)
Chadwick v. Truman (Cause)	Hanbury v. Hussey (2) (F D, C)
De Maltzalm v. Hammersley (M for decree)	Parr v. Jackson (Cl)
Robinson v. Webb (Further consideration)	Hartopp v. Hartopp (M for decree)
De Sorban v. Bland (M for decree)	Mildmay v. Ranken (Further consideration, from chamb.)
Hooper v. Cook (Cause)	Whitham v. Gill (Further consideration)
Devaynes v. Robinson (M for decree)	Markham v. Ivatt (M for dec.)
Newcastle, Shields, and Sunderland Union Joint-stock Banking Co. v. Gledston (Cause)	Rogers v. Collingwood (Cl)
Courtier v. Oram (3) (Further consideration)	Charrit v. Henniker (M for decree)
Att.-Gen. v. St. Cross Hospital (Further consideration)	Shelford v. Kane (Cause)
Att.-Gen. v. Corporation of Ilchester (M for decree)	Berens v. Berens (Cause)
Att.-Gen. v. Blizard (M for decree)	Evans v. Evans (Cause)
Att.-Gen. v. Corporation of Pevensey (Cause)	Wedderburn v. Wedderburn (5) (E, F D, C)
Proctor v. Durham (Cause)	Wedderburn v. Wedderburn (5) (E, F D, C)
Hutt v. Lantour (Further consideration)	Wedderburn v. Wedderburn (5) (E)
Harryman v. Collins (2) (Further consideration)	Beck v. Beck (M for decree)
Grove v. Laxton (M for dec.)	Smith v. Cheshire (Cause)
Smith v. Armstrong (Further consideration)	Att.-Gen. v. Ward (2) (E, F D, C)
Benham v. Robertson (M for decree)	Watkins v. Hindmarsh (M for decree) <i>SA</i>
Fifield v. Atkins (Cause)	Morris v. James (M for dec.)
Acaster v. Anderson (M for decree)	Higgins v. Edmonds (Cl)
Mills v. Drewitt (Cause)	Long v. Marsh (Further consideration)
Arnott v. Tyrrell (Sp. case)	Pinckney v. Tanner (5) (F D, C)
Moody v. Payne (2) (F D, C)	Re Mackenzie's } (Further consideration, from chambers)
Sudlow v. Dutch Rhenish Railway Co. (M for decree)	Mackenzie v. Hemming }
Costeker v. Batchelor (4) (F D, C)	Rodwell v. Land (Cause)
Morris v. Moss (M for dec.)	Dolman v. Nokes (Cause)
Thornton v. Hayes (Cause)	Newton v. Kosh (M for dec.)
Lewis v. Rattenbury (Further consideration)	Simmons v. Rose (Further consideration)
James v. James (M for decree)	Husband v. Elyard (Cause)
Morten v. Bradbury (Further consideration)	Thompson v. Barber (F D, C)
Churchman v. Capon (2) (F D, C)	Davies v. Dunkin (Cause)
Gerard v. Butler (Cl)	Lynne v. Lynne (Cause)
Pye Smith v. Ibbotson (M for decree)	Verrier v. Symes (Cause)
Sporie v. Whyman (M for decree)	Alston v. Hughes (Cause)
Hodgson v. Coates (Cause)	Eedle v. Cartwright (Further consideration)
Wood v. Stones (Cause)	Re John Bennett } (Further consideration, from chambers)
Douglas v. Andrews (7) (F D, C)	Matthewman v. Stratton }
	Timmis v. Sutton (Cl)
	Cowlishaw v. Hardy (Cause)
	Bunny v. Cannon (M for dec.)
	Frearn v. Dowling (M for dec.)
	Att.-Gen. v. Corporation of Totness (2) (F D, C)
	Clarke v. Bailey (Cl).

Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.

## CAUSES, &amp;c.

Gough v. Lewis } (Cause, pt. heard)	Tennant v. Parker (Cause)
Gough v. Lewis }	Rumball v. Poole (2) (F D, C)
Lord v. Colvin (Cause)	Williams v. Hughes (Cause)
Colvin v. Lord (Cause)	Green v. Norton (4) (F D, C)
Rogers v. Hooper (Cause)	Barron v. Barron (M for dec.)

Elder v. Maclean (3) (E, F D, C, Ptn)  
 Kent v. Potter (Cause)  
 Greenwood v. Taylor (5) (E, F D, C)  
 Thompson v. Jevess (Cause)  
 Hitchman v. Stewart (2) (Further consideration)  
 Evans v. Kinsey (Cause)  
 Bowles v. Field (Cause)  
 Garner v. Moore (Cause)  
 Boughen v. Farrer (Sp. case)  
 Ramsden v. Hirst (M for dec.)  
 Harley v. Moon (Further consideration)  
 Monro v. Proctor (F D, C)  
 Lacon v. Allen (Cause)  
 Berry v. Charnock (M for decree)  
 Dolman v. Curling (Cause)  
 Ashcroft v. Powell (3) (Cause)  
 Patch v. Graves (M for dec.)  
 Stephenson v. Popple (2) (Ca.)  
 Welch v. Coles (F D, C)  
 Dickenson v. Peacock (Further consideration)  
 Smith v. Bambury (F D, C, Ptn)  
 Attorney-Gen. v. Drapers Co. (Cause)  
 Dresser v. Hoare (M for dec.)  
 Wiles v. Gresham (Further consideration)  
 Banks v. Braithwaite (F D, C)  
 Att.-Gen. v. Baines (F D, C)  
 Pogson v. Barton (F D, C)  
 Adlington v. Chippendale (Further consideration)  
 Fletcher v. Moore (Supplem. cause)  
 Weston v. Hobson (F D, C)  
 Jones v. Lodge (4) (F D, C)  
 Carter v. Sanders (Further consideration)  
 Eckford v. Rooms (F D, C)  
 Shelley v. Clarke (F D, C)  
 Fagge v. Sandys (M for dec.)  
 Miller v. Pridden (Further consideration)  
 Whittinghall v. Field (Further consideration)  
 Christ's Hospital v. Granger (F D, C, Ptn)  
 Pattenden v. Hobson (2) (Further consideration)  
 Earl of Haddington v. Crose (F D, C)  
 Seabrook v. Halden (F D, C)  
 Smedley v. Potter } (Cause)  
 Shelton v. Potter }  
 Hope v. Hope (Special case)  
 Fryer v. Rogers (2) (Further consideration)  
 Olney v. Bates (Further consideration)  
 Atherton v. Mather (Cl)  
 Elkington v. Aplin (2) (Cl)

*Before Vice-Chancellor Sir J. STUART.*

PLEAS, DEMURRERS, CAUSES, &c.

M'Intosh v. Great Western Railway Co. (Cause, pt. hd.)  
 Duke of Beaufort v. Glynn (D)  
 Goode v. Hollier (Cause)  
 Ince v. Ince (Cause)  
 Parker v. Clarke (Cause)  
 Wilshire v. Norfolk Railway Co. (Cause)  
 Scales v. Maude (Cause)  
 Rhodes v. Moxhay (F D, C)

Neely v. Lyall (Further cons.)  
 Bennett v. Powell (Cause)  
 Leonard v. Shackles (F D, C)  
 Alcock v. Kempson (3) (F D, C)  
 Church v. Marryat (Cause)  
 Deacon v. Colquhoun (Further consideration)  
 Johnson v. Tucker (Further consideration)  
 Wayne v. Lewis (2) (E, F D, C)  
 Barrett v. White (3) (F D, C)  
 Jervoise v. Jervoise (Cause)  
 Coupland v. Coupland (M for decree)  
 Jenkin v. Vaughan (Cause)  
 Goodall v. Skerratt (Further consideration)  
 Andrews v. Pugh (Cause)  
 Paulet v. Jackson (2) (F D, C)  
 Clavering v. Ellison (Cause)  
 Jordan v. Frost (M for decree)  
 Smith v. Foster (Cause)  
 Taylor v. Taylor (M for dec.)  
 Durning v. Mather (Cl) SA  
 Garner v. Moore (Subsequent F D, C)  
 Newman v. Cook (Cl)  
 Byam v. Wellum (2) (Cause)  
 Deeks v. Stanhope (4) (Cause)  
 Bunny v. Turner (Cause)  
 Beavers v. Beavers (F D, C)  
 Woodhouse v. Slater (Cl)  
 Ross v. Raven (Cause)  
 Fallows v. Lowe (M for decree)  
 Wilton v. Colvin (Special case)  
 Melling v. Leak (Cl)  
 Harrison v. Guest (Cause)  
 Hodson v. Buxton (Cause)  
 Milnes v. Aked (M for decree)  
 Willoughby v. Sanders (M for decree)  
 Henderson v. Dodds (2) (M for decree)  
 Att.-Gen. v. Sheppard (M for decree)  
 Fanshaw v. Walter (3) (F D, C)  
 Hallpike v. Rowden (2) (Ca.)  
 Lucas v. Lucas (10) (F D, C)  
 Durant v. Durant (2) (Further consideration)  
 Langford v. Gillman (F D, C)  
 Dempster v. Dempster (F D, C)  
 Forge v. Dodsworth (2) (Ca.)  
 Thurnall v. Rayner (Cause)  
 Lubbock v. Murphy (4) (Ca.)  
 Cotterill v. Cotterill (Cause)  
 Baker v. Oliver (Further consideration)  
 Evans v. Evans (2) (F D, C)  
 Att.-Gen. v. Adams (F D, C)  
 Darby v. Darby (Cause)  
 Fletcher v. Holland (M for decree).

Hunt v. Dorsett (M for dec.)  
 Twynam v. Hudson (M for decree)  
 Twynam v. Hudson (M for decree)  
 Campbell v. Hooper (Cause)  
 Simpson v. Chapman (Further consideration, M)  
 Kent v. Rodham (Cause)  
 Pullen v. Morgan (Cause)

Acklam v. Acklam (M for decree)  
 Cooke v. Cooke (M for decree)  
 Richmond v. Hutchinson (M for decree)  
 Ward v. Bassett (5) (E, F D, C)  
 Jones v. Rose (F D, C)  
 Reeves v. Povoas (M for decree)  
 Arbuckle v. Butler (Cause)  
 Timms v. Watson (Further consideration)  
 Dowley v. Munday (Cause) SA  
 Beames v. Smith (2) (Further consideration)  
 In re Canning } (Furth. cons.  
 Wallis v. Bell } on summons  
 Baker v. Cleeve (M for decree)  
 Eads v. Williams (Further consideration)  
 Clare v. Clare (3) (F D, C)  
 Crompton v. Huber (Further consideration)  
 Smith v. Angier (Further consideration)  
 Iveson v. Hanaley (F D, C)  
 Rhodes v. Rhodes (2) (F D, C)  
 Lambkin v. Cook (Cl)  
 Plaisto v. Goodeve (Cause)  
 Blaker v. Harmer (Cause)  
 Bensusan v. Nehemias (2) (E, F D, C)  
 Bennett v. Jones (M for dec.)  
 Tardrew v. Howell (3) (F D, C)  
 Snow v. Dun (F D, C)  
 Field v. Cary (Further consideration)  
 Stronghill v. Gullever (Cl)  
 Evered v. Hasted (Cause)  
 In re Hackett's } (Further  
 Estate } consid. on  
 White v. Hackett } summons  
 Morley v. Morley (3) (M for decree)  
 Reid v. Kenrick (Sp. case)  
 Earl Fitzwilliam v. Price (M for decree)  
 Barker v. Price (Cause)  
 Barton v. Kingsbury (Further consideration)

*Before Vice-Chancellor Sir W. P. WOOD.*

CAUSES, &c.

Tudway v. Jones (Plea)  
 Manby v. Bewicke (D)  
 Guy v. Spice (D)  
 Ward v. Swift (6) (F D, C) }  
 Ward v. Swift (2) (Sup. cau.) }  
 Turner v. Irlam (M for decree)  
 Fowler v. Bayldon (Further consideration, M) S O  
 Rooper v. Harrison (Cause)  
 Dewar v. Ellwood (Cause)  
 Pulling v. Crawshaw (Cause)  
 Att.-Gen. v. Stephens (M for decree)  
 Howell v. Price (Further consideration)  
 Parr v. Jewell (Cause)  
 Hillier v. Hayman (Cause)  
 Wyatt v. Haslewood (Cause)  
 Forster v. Waddington (Cau.)  
 Gwyon v. Gwyon (Cause, M for decree)  
 Shaw v. Farrer (Cause)  
 Walker v. Simpson (M for decree)

Shaw v. Fisher (F D, C)  
 Climenston v. Hardy (2) (F D, C)  
 Curwen v. Alexander (Further consideration)  
 French v. French (Cause)  
 Douglas v. Douglas (17) (F D, C)  
 Emson v. Wilson (Cause)  
 Marshall v. Bentley (Cause)  
 Abbott v. Abbott (Further consideration)  
 Streatfield v. Streatfield (Further consideration)  
 Fisher v. More (3) (Cause)  
 Fisher v. Hewitt (3) (Cause)  
 Gibson v. Bush (Cl)  
 Anderson v. Milward (Further consideration)  
 Dawbney v. Smith (Cl)  
 Fisher v. Bowden (M for dec.)  
 Taylor v. Taylor (Cause)  
 Gardner v. Jones (M for dec.)  
 Jones v. Morice (M for dec.)  
 Booth v. Coulton (M for dec.)  
 Plumley v. Plumley (F D, C)  
 Clarke v. Goddard (Cause)  
 Sumner v. Strachan (Further consideration)  
 Att.-Gen. v. Alford (Further consideration)  
 Essex v. Learmouth (F D, C)  
 Scott v. Davis (F D, C)  
 Ford v. Bryant (F D, C)  
 Lee v. Green (M for decree)  
 Parker v. Parker (M for dec.)  
 Harding v. Harding (F D, C)  
 Lees v. Clarke (Cause)  
 Keedwell v. Cook (F D, C)  
 Clark v. Clark (3) (F D, C)  
 Thewles v. Farrer (M for dec.)  
 Colyer v. Fooks (Cause)  
 Hay v. Ker (Cause)  
 Teague v. Fisher (Cause)  
 Hassell v. Booth (Cause)  
 Smith v. Farr (9) (Further consideration)  
 Peacock v. Foster (M for dec.)  
 Gatty v. Croft (4) (F D, C)  
 Stoddart v. Nelson (Cl)  
 Roderick v. Brandon (F D, C)  
 Pugh v. Mayor, &c. of Weymouth (Cause).

In re Lindfield } (Further  
 Horton v. Lind- } consid. on  
 field } summons)  
 Cooper v. Cooper (Sp. case)  
 Pickford v. Brown (M for dec.)  
 Jossau v. Wade (Further consideration)  
 Smith v. Harbutt (Further consideration)  
 Stillborne v. Newport (2) (Further consideration)  
 Rider v. Wood (Special case)  
 Bond v. England (Sp. case)  
 Lloyd v. Holme (Special case)  
 Last v. Goldsmith (F D, C)  
 Dipple v. Smart (F D, C)  
 Rhodes v. Beart (F D, C)  
 Smith v. Tite (F D, C)  
 Jeffery v. Jeffery (M for dec.)  
 Clark v. Gill (M for decree)  
 Lechmere v. Curtler (Sp. case)  
 Perry v. Turpin (Cause)  
 Balls v. Perry (M for decree)  
 Potter v. Jenkinson (Cause)

Stothard v. Cooper (Further consideration)  
 Stothard v. Cooper (Cause)  
 Barrow v. Barrow (M for decree)  
 Williamson v. Tomkins (Cau.)  
 Penny v. Avison (M for dec.)  
 Harris v. Bell (Cause)  
 Smith v. Poyser (M for dec.)  
 Lake v. Russell (Cause)  
 Johns v. Cox (Cl)  
 Legge v. Edmonds (Cause)  
 In re Owen } (Further  
 Sibley v. Owen } consid-  
 Dunning v. Owen } ration)  
 King v. King (Further cons.)  
 Tweedale v. Johnson (F D, C)  
 Tweedale v. Johnson (Supp. cause)  
 Gibson v. Jones (M for dec.)  
 Ross v. Veal (M for decree)  
 Patrick v. Battams (Cause)  
 Clarke v. Zotti (Further cons.)  
 Morley v. Mendham (M for decree)  
 Baker v. Baker (Cause)  
 Grever v. Outhwaite (Special case)  
 Field v. Barnewall (Further consideration)  
 Thompson v. Teulon (2) (Further consideration)  
 Moxon v. Hill (M for decree)  
 Wright v. Vanderplank (Cau.)  
 Naah v. Westminster Improvement Commissioners (M for decree)  
 Whiah v. Whiah (M for dec.)  
 Tollitt v. Tollitt (M for dec.)  
 Thomas v. Thomas } (Further  
 Davies v. Thomas } consid.)  
 Attwood v. Cripps (M for decree)  
 Haldane v. Leeming (Cause)  
 Riccard v. Prichard (M for decree)  
 Lawton v. Anderton (Further consideration)  
 Green v. Harrison (Cause)  
 Powell v. Keyse (M for dec.)  
 Oliver v. King (Cause)  
 Rowley v. Unwin (Cause)  
 Angier v. May (M for decree)  
 Terrell v. Prichard (M for decree)  
 Roberts v. Keralake (F D, C)  
 Chantler v. Greenwood (Ca.)  
 Hobson v. Brown (Cause)  
 Watson v. Stokehill (Further consideration) *SA*  
 Cuerton v. Bunnett (Cause)  
 Hay v. Dowling (Cause)  
 Wylie v. Wylie (Cause)  
 Williams v. Salmond (Cause)  
 Nicholson v. Tutin (M for decree)  
 Wallis v. Woodyard (Cause)  
 Wood v. Scarth (Cause)  
 Wickham v. Wickham (Cause)

Bamcombe v. Smith (M for decree)  
 Jones v. Shawe (M for decree)  
 Parkinson v. Chambers (Cau.)  
 Benn v. Griffith (F D, C)  
 Malden v. Maine (Cause)  
 Campbell v. Scott (F D, C)  
 Duffitt v. Acoster (Further consideration)  
 Potts v. Birmingham Canal Navigation Co. (3) (Further consideration)  
 Thorne v. Kerr (Cause)  
 Weston v. Sterne (Cause)  
 Morse v. Pennell (M for dec.)  
 Fellow v. Horsford (Cause)  
 Anbin v. Holt (Cause)  
 Blenkinsop v. Day (Further consideration)  
 Milward v. Bakewell (M for decree)  
 Simpson v. Morley (M for decree)  
 Armitage v. Walker (Cause)  
 Wallgrave v. Tobbs (M for decree)  
 Furnell v. Mackay (M for decree)  
 Ellerton v. Darby (M for decree)  
 Field v. Bradley (Cl)  
 Thomas v. Thomas (Cause)  
 Froke v. Johnson (Further consideration)  
 Shribley v. Lambert (2) (Cau.)  
 Bird v. Johnson (Further consideration)  
 Oppenheim v. Henry (2) (Further consideration) *SA*  
 Haynes v. Forshaw (Further consideration)  
 Richardson v. Lightfoot (Cau.)  
 M'Murray v. Spicer (Cause)  
 Payne v. Evans (Special case)  
 Attwood v. Attwood (M for decree)  
 Arnold v. Arnold (Further consideration)  
 Hopkinson v. Bunny (Cause)  
 Savage v. Hutchinson (Cl)  
 Churchward v. Jackson (M for decree)  
 Bass v. Fraser (Cause)  
 Bracher v. Reed (F D, C)  
 Ward v. Eaton (Cause)  
 Oxborrow v. Calton (F D, C)  
 Moody v. Cooper (Cause)  
 Snow v. Booth (Cause)  
 Barker v. Johnson (M for decree)  
 Lyle v. Truscott (Cause)  
 Pickford v. Washington (M for decree)  
 Prout v. Prout (Further consideration)  
 Elston v. Elston (Cause) *SA*  
 Dyer v. Dyer (Further consideration)  
 English v. Hayman (Further consideration).

### COMMON-LAW SITTINGS, IN AND AFTER TRINITY TERM, 1855.

#### Court of Queen's Bench.

##### In Term.

MIDDLESEX.  
 1st sitting..Thursd., May 24  
 2nd sitting.. Thursday... 31  
 3rd sitting.. Thursday, June 7  
 For undefended causes only.

##### LONDON.

1st sitting, Tuesday.. May 29  
 2nd sitting, Tuesday.. June 5

#### After Term.

Wednesday..... June 13 | Wednesday..... June 27

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

### Court of Common Pleas.

#### In Term.

##### MIDDLESEX.

Tuesday..... May 29  
 Tuesday..... June 5

##### LONDON.

Friday..... June 1  
 Friday..... 8

#### After Term.

Wednesday..... June 13 | Saturday..... June 23

The Court will sit during and after term at ten o'clock. The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

### Exchequer of Pleas.

#### In Term.

##### MIDDLESEX.

1st sitting, Thursday, May 24  
 2nd sitting, Thursday.... 31  
 3rd sitting, Thursday, June 7

##### LONDON.

1st sitting, Tuesday.. May 29  
 2nd sitting, Tuesday.. June 5

#### After Term.

Wednesday..... June 13 | Wednesday..... June 27

The Court will sit during and after term at ten o'clock. The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

In each of the London Sittings, during term, there will be two days for the trial of causes.

### COMMON-LAW CAUSE LISTS, TRINITY TERM, 1855.

#### Court of Queen's Bench.

##### NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER EASTER TERM, 1855.

##### FOR JUDGMENT.

Midd.—Gardiner v. Walsh  
 Lond.—Siggers v. Evans  
 Midd.—Cook & an. v. Wildes  
 Wilts.—Harrison v. Bush

Suffolk.—Last v. Woodgate  
 " Brown v. Shaw  
 Brecon—Papendock v. Bridgewater  
 Northumberl.—Thompson v. Gillespy

##### FOR ARGUMENT.

##### HILARY TERM, 1854.

Lond.—Nicol v. Oliver  
 " Hill v. Oliver  
 " Brodie v. Oliver

##### EASTER TERM, 1855.

Lond.—Lund v. Lloyd (Stands for arrangement)  
 " Dowell v. General Steam Navigation Co.  
 Stafford—Egginton v. Mayor, &c. of Lichfield

Lincoln—Newton v. Ellis  
 Nottingham—Reg. v. Walker (Stands for arrangement)  
 Derby—Brewin v. Short  
 Warwick—Staite v. Barford

Durham—Mayor, &c. of Sunderland v. Horne  
 " Same v. Same  
 York—Earl of Scarborough v. Bayley

" Kitson v. Rhodes  
 " Rainforth v. Hamer  
 " Pottick v. Hubberty & an.

Liverp.—Petrie v. Ellis  
 Kent—Lady Wenman v. Mackenzie.

##### Tried during Term.

Midd.—Parsons v. Alexander  
 " French v. Wiggins  
 Lond.—Fitch v. Jones.

### SPECIAL CASES AND DEMURRERS

#### FOR TRINITY TERM, 1855.

Those marked thus \* are Special Cases, and thus † Demurrers.

##### FOR JUDGMENT.

†Hilton v. Eckersley

| \*Holmes & an. v. Tutton

## FOR ARGUMENT.

†Burgoyne v. Cottrell	†Raworth v. Bird
†Sturges v. Caster (Stands over till case in error is disposed of)	*Clayton v. Fenwick
†Graham v. Solomon	†Royal British Bank v. Turquand
	†Warburg v. Tucker
	†Lennard v. Robinson & an.
	†Livingston v. Ralli.

## ENLARGED RULES

FOR TRINITY TERM, 1855.

*First Day.*

In re Clutterback  
Collins v. Hughes  
Andrews & an. v. Plummer  
In re Story  
Lake v. Butler  
In re Read and Taylor

Reg. v. Earl of Mornington

*Fifth Day.*

Same v. Morgan

*Sixth Day.*

Same v. Guardians of the Poor of St. Luke.

## CROWN PAPER, TRINITY TERM, 1855.

Lancashire....	Reg. v. Fleetwood, Preston, and West Riding Junction Railway Co. (To stand over till special case settled).
Staffordshire ..	Earl of Lichfield.
Chichester ....	Fuller.

## Court of Common Pleas.

## NEW TRIALS.

<i>Moved Hilary Term, 1854.</i>	Surrey—Steel v. South-eastern Railway Co.
Midd.—Allsop v. Brittain (Referred to Master, who is to report to the Court).	„ Avann v. Same
<i>Moved Easter Term, 1855.</i>	Midd.—Martin v. The Great Northern Railway Co.
Land.—Hackwood v. Lyall	Land.—Wilde v. Waters
„ Brodie v. Howard	„ Lowe v. Paskett.

## ENLARGED RULES.

*First Day.*

In re Furner  
In re arbitration of Edney v. Jones  
Barrick v. Buba

Skinner v. Carter

Biggs v. Hansell  
Until after Action tried in Queen's Bench.

Dawson v. Williams.

## DEMURRER PAPER.

Tuesday, May 29.

Myers v. Willis (Special case), (To stand over till Frost v. Oliver is disposed of)  
Bourne v. Seymour.

## CUR. ADV. VULT.

Stratton v. Pettit	Melling v. Leak
Abbott v. Rogers	Goldham v. Edwards.

## Court of Exchequer.

SITTINGS—TRINITY TERM, 1855.

<i>Days in Term.</i>	<i>Bank.</i>
Tuesday .... May 22	Motions and Peremptory Paper.
Wednesday..... 23	Errors, Peremptory Paper, & Motions.
Thursday ..... 24	.....
Friday ..... 25	.....
Saturday..... 26	.....
Monday ..... 28	Special Paper.
Tuesday ..... 29	.....
Wednesday ..... 30	Special Paper.
Thursday ..... 31	Circuits chosen.
Friday ..... June 1	.....
Saturday..... 2	Crown Cases.
Monday ..... 4	Special Paper.
Tuesday ..... 5	.....

*Days in Term.*

Wednesday.....	6	Special Paper.
Thursday.....	7	.....
Friday.....	8	.....
Saturday.....	9	.....
Monday.....	11	.....
Tuesday.....	12	.....

*Bank.**Days in Term.*

Thursday.... May 24	Middlesex, first Sitting.
Tuesday..... 29	London, first Sitting.
Thursday ..... 31	Middlesex, second Sitting.
Tuesday .... June 5	London, second Sitting.
Thursday ..... 7	Middlesex, third Sitting.

*Nisi Prius.*

## NEW TRIALS.

## FOR JUDGMENT.

Land.—Garrels v. Cannan

## FOR ARGUMENT.

*Moved Hilary Term, 1855.*

Land.—Bovill v. Pimm  
„ Forbes v. Marshall

*Moved Easter Term, 1855.*

Land.—Heydorn v. Bibby  
„ Stiepel v. Same  
„ Board of Management of Central London District Schools v. Wythes  
„ Australian Royal Mail Steam Packet Co. v. Marzetti  
„ Walsford v. Dimadale  
„ Cooper v. Rutt  
„ Crouch v. The Great Northern Railway Co.

York.—Dean v. Taylor

„ Feverham v. Emmer-son

Liverpool.—Kitchen v. Sander-son

„ Brebner v. Harrison

„ Firnie v. Tonge

„ Same v. Same

„ Bruce v. Nicolopulo

Lincoln—Russell v. White-head

Warwick—Underhill v. Davenport

Hertford—Naden v. Holloway

Kingston—Boyle v. Wiseman

„ Wilkes v. Plant

„ Grame v. Wroughton

Stafford—Leech v. Lamb

„ Harrison v. Bish-ton

„ Foster v. Floyd

Winchester—Padwick v. Knight

Taunton—Kingmill v. Mil-lard

*Moved after the fourth Day of Easter Term, 1855.*

Midd.—Vial v. Clinton

„ Wood v. Aird.

## PEREMPTORY PAPER.

To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.

Leedham v. Spencer

Kennett v. Westminster Im-

provement Commissioners

Same v. Same

Hunter v. Westminster Im-

provement Commissioners

Lifford v. Same.

## SPECIAL PAPER.

## FOR JUDGMENT.

Yellowly v. Gower  
Longdale v. Rigg  
Metcalf v. Hetherington  
Addison v. Tate

Jackson v. Beaumont (To stand over till motion for prohibition disposed of)

Serrell v. Farewell (D.)

Electric Telegraph Co. v.

Overseers of the Poor of

Salford

## FOR ARGUMENT.

Marcom v. Bloxam (To stand over till issue in fact tried)  
Graham v. Ewart (Sp. C., part heard)  
Simpson v. Brooke (App.)  
Dollman v. London & North-western Railway Co. (D.)  
Russell v. Croydhill

Murray v. Beaver

Newman v. Collard (App.)

Forbes v. Smith (D.)

Pritchard v. Scott (D.)

Reed v. Kent (D.)

Grame v. Wroughton (D.)

Bruce v. Nicolopulo

Harrison v. Wyllie (Sp. C.)

Dendy v. Henderson (D.)

## GAZETTES.—FRIDAY, May 11.

## BANKRUPTS.

PATRICK FENN, Brecknock-place, Camden-town, dealer and chapman, May 19 and June 22 at half-past 1, London : Off. Ass. Whitmore ; Sols. Lumley & Lumley, 41, Ludgate-street.—Pet. f. May 9.

**GEORGE BELL**, North Brixton, dealer and chapman, May 19 at 1, and June 22 at 11, London: Off. Ass. Cannon; Sol. Preston, 39, Southampton-buildings, Chancery-lane.—Pet. f. May 9.

**JOHN LOFTS**, Strand, dealer and chapman, May 22 and June 19 at 2, London: Off. Ass. Graham; Sol. Marsden, 4, Sise-lane.—Pet. f. May 11.

**THOMAS GRIST**, Salisbury, clothier, May 18 at half-past 1, and June 19 at 12, London: Off. Ass. Graham; Sols. Lambert & Norton, Salisbury; Sole & Co., 68, Aldermanbury.—Pet. f. May 4.

**WILLIAM COCKELL**, Battersea, licensed victualler, May 21 and June 30 at 1, London: Off. Ass. Pennell; Sols. Futvoye & Co., 23, John-street, Bedford-row.—Pet. f. May 8.

**JOHN ELSDON**, Church-row, Limehouse, shipowner, May 21 at 2, and June 19 at 1, London: Off. Ass. Edwards; Sols. Lowless & Nelson, 2, Hatton-court, Threadneedle-st.—Pet. f. May 9.

**CHARLES GREENE**, Charrington-street, Oakley-square, St. Pancras, dealer and chapman, May 21 at half-past 1, and June 19 at 1, London: Off. Ass. Lee; Sol. Dinn, 3, Great Knight Rider-street, Doctors'-commons.—Pet. f. May 10.

**EDWIN STANLEY BROOKES**, Loughborough, Leicestershire, dealer and chapman, May 22 and June 12 at 10, Nottingham: Off. Ass. Harris; Sol. Inglesant, Loughborough.—Pet. d. May 7.

**ALEXANDER JOHN HEATH**, Gloucester, dealer and chapman, May 25 and June 23 at 11, Bristol: Off. Ass. Miller; Sol. Smallridge, Gloucester.—Pet. f. May 8.

**JOHN BROOKS**, Weston-super-Mare, Somersetshire, wine merchant, May 23 and June 19 at 11, Bristol: Off. Ass. Miller; Sol. Crafter, 168, Blackfriars-road, Southwark.—Pet. f. May 2.

**MORGAN EVANS**, Aberdare, Glamorganshire, dealer and chapman, May 23 at 10, and June 19 at 11, Bristol: Off. Ass. Miller; Sols. Bevan & Girling, Bristol.—Pet. f. May 10.

**DAVID DAVIES** the younger, Neath, Glamorganshire, railway contractor, May 28 and June 25 at 11, Bristol: Off. Ass. Acraman; Sols. Grover, Cardiff; Bevan & Girling, Bristol.—Pet. f. May 7.

**WILLIAM JACKSON**, Dewsbury, Yorkshire, woollen cloth manufacturer, May 22 at half-past 1, and June 19 at 11, Leeds: Off. Ass. Hope; Sols. Bruce & Butler, Leeds.—Pet. d. May 2.

**JOHN KITCHING**, Clayton, Bradford, dealer and chapman, May 24 and June 22 at 11, Leeds: Off. Ass. Young; Sols. Lees, Bradford; Bond & Barwick, Leeds.—Pet. d. May 4.

**WILLIAM POWELL**, York, linendraper, May 22 at half-past 11, and June 19 at 11, Leeds: Off. Ass. Hope; Sols. Mason, York; Cariss & Cadworth, Leeds.—Pet. d. May 10.

**JOHN ARERADT HAGESTADT**, Kingston-upon-Hull, licensed victualler, May 30 and June 27 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Walker, Hull.—Pet. d. May 9.

**JOHN GEORGE CLAUS**, Liverpool, merchant, (trading under the firm of George Claus & Co.), May 25 and June 14 at 11, Liverpool: Off. Ass. Bird; Sols. Lowndes & Co., Liverpool.—Pet. f. April 30.

**JAMES DALTON**, Newton-heath, near Manchester, emery grinder, May 21 and June 13 at 12, Manchester: Off. Ass. Fraser; Sols. J. & B. Whitworth, Manchester.—Pet. f. May 9.

**ROBERT THOMAS** and **JAMES INNES**, Manchester, dealers and chapmen, May 22 and June 11 at 12, Manchester: Off. Ass. Fraser; Sols. Brown, Chester; Goulden, Manchester.—Pet. f. May 4.

**CHARLES CONDRON**, Macclesfield, dealer and chapman, May 22 and June 20 at 12, Manchester: Off. Ass. Pott; Sol. Higginbotham, Macclesfield.—Pet. f. May 9.

**WILLIAM JEFFERSON**, Westoe, Durham, and **THOMAS DIXON**, South Shields, alkali manufacturers, May 18 and June 22 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Brignall, Durham; Hartley, 6, Southampton-street, Bloomsbury.—Pet. f. April 25.

## MEETINGS.

*Joseph Windle Cole*, Birchin-lane, merchant, May 22 at 1,

London, last ex.—*George Tennant*, Market-street, Westminster, licensed victualler, May 28 at half-past 1, London, last ex.—*James Bamforth*, Bredbury, Cheshire, miller, May 23 at 12, Manchester, last ex.—*Patrick Shanley*, Manchester, shoe dealer, May 22 at 12, Manchester, last ex.—*John Seymour Hart*, Liverpool, tailor, May 24 at 11, Liverpool, last ex.—*George Hoffmann*, Park-terrace, Park-road, Clapham, brewer, May 23 at 1, London, and ac.—*Alfred Tunstall*, Park-villas, Northumberland-park, Tottenham, electro-plater, May 23 at 12, London, and ac.—*James Norris*, Upper Thames-street, wholesale stationer, May 31 at 12, London, and ac.—*Henry Baker*, Camomile-street, Allhallows, London-wall, sugar boiler, May 29 at 12, London, and ac.—*Edward Winstanley* and *Henry George Winstanley*, Poultry, chemists, May 21 at 11, London, and ac., and June 1 at half-past 12, div. sep. est. of *H. G. Winstanley*.—*Charles Hodge*, Chelsea, smith, May 21 at 11, London, and ac.—*Thomas Heywood*, Wood-street, Cheapside, lace warehouseman, May 21 at 11, London, and ac.—*George Wilson* and *William Raynham*, Walmer-road, Notting-hill, builders, May 21 at half-past 11, London, and ac.—*Edmund Oakley*, Poole, corn merchant, May 23 at 1, London, and ac.—*John Richard West*, Canal-road, Kingsland, saw-mill proprietor, May 21 at half-past 11, London, and ac.—*William Pickers-gill*, Beech-street, Barbican, builder, May 21 at half-past 11, London, and ac.—*John Hewler*, Manchester, coffee merchant, May 23 at 12, Manchester, and ac.; June 4 at 12, div.—*Edward Crane Hunt*, Kidderminster, ironmonger, June 8 at 11, Birmingham, and ac.—*William Burrows*, Leicester, tailor, May 22 at 10, Nottingham, and ac.—*Joseph Wood* and *James Wood*, Allerton, Bradford, spinners, May 24 at 11, Leeds, and ac.—*Ephraim Levy Green*, Bevis Marks, wholesale clothier, June 2 at half-past 11, London, div.—*H. Benson Cox*, Southampton, purser, June 1 at 1, London, div.—*John Overbury*, Frederick's-place, Old Jewry, woollen warehouseman, June 1 at 11, London, div.—*Samuel Sheppard Ireland*, Brighton, cabinet maker, June 1 at half-past 1, London, div.—*Thomas Pollard* and *Arthur John Symonds*, Guildford, builders, June 2 at 12, London, div.—*Thomas Ballard*, Southwick-place, Paddington, apothecary, June 2 at half-past 1, London, div.—*John Peacock Whitmore*, Hackney, draper, June 1 at half-past 11, London, div.—*Josiah Tillet*, Colchester, plumber, June 2 at 2, London, div.—*John Henry Gould* and *Frederick Herman Gould*, Watling-street, London, wholesale lace warehousemen, June 5 at 1, London, div.—*John Smith* and *Luke Ashby*, Great Coram-street, Brunswick-square, linendrapers, June 5 at 12, London, div.—*Thomas O'Brien Gleadow*, Leamington, music seller, June 5 at 12, London, div.—*Edward Hodges Bailly*, Newman-street, Oxford-street, and Crescent, Camden-road Villas, sculptor, June 5 at 1, London, div.—*George B. Hussey*, Plymouth, innkeeper, June 4 at 11, Plymouth, div.—*Wm. H. Miers*, Plymouth, grocer, June 4 at 11, Plymouth, div.—*Duncan McGregor*, Newcastle-upon-Tyne, dealer in marine stores, June 5 at 12, Newcastle-upon-Tyne, div.—*Edwin Sparrow*, Liverpool, metal broker, June 4 at 11, Liverpool, div.—*Rohr. Rimmer*, Southport and Seaforth, Lancashire, builder, June 4 at 11, Liverpool, div.—*John C. Sitons* and *Jacob Stower*, Liverpool, general merchants, June 4 at 11, Liverpool, div. sep. est. of *Jacob Stower*.—*James Gaukrager*, *Titus Gaukrager*, and *William Slater*, Hebble End Mill, near Hebden Bridge, Halifax, cotton spinners, June 5 at half-past 11, Leeds, div. sep. ests. of *William Slater* and *Titus Gaukrager*.—*J. Webb*, Scarborough, hotel keeper, June 1 at 11, Leeds, div.—*Sarah Ratcliffe*, *Benjamin Ratcliffe*, and *James Ratcliffe*, Ovenden, Halifax, manufacturers, June 1 at 11, Leeds, div. joint ests., and sep. est. of *Benjamin Ratcliffe*.—*John Moore*, Halifax, common brewer, June 1 at 11, Leeds, div.—*Joseph Popplewell*, Silkstone, Yorkshire, butcher, June 1 at 11, Leeds, div.—*J. Richardson*, Chesterfield, Derbyshire, draper, June 2 at 10, Sheffield, div.—*Samuel Plimsoil*, Sheffield, coal merchant, June 2 at 10, Sheffield, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*James Churchyard*, Lothian-terrace, Cold Harbour-lane, Brixton, builder, June 1 at 11, London.—*Thomas Pollard* and *Arthur John Symonds*, Guildford, builders, June 2 at 12, London.—*Henry Fowler*, Southampton, cornfactor, June 1 at half-past 11, London.—*James Mathews* and *James Edward*



*Phillips*, Wood-street, Cheapside, warehousemen, June 1 at 1, London.—*Thomas Bain* and *John Cowan*, Madras, East Indies, merchants, June 2 at 11, London.—*Robert Fowler*, Bayford, near Wincanton, Somersetshire, pork butcher, June 5 at 11, Bristol.—*Joseph Harrop* and *James Harrop*, Westbury, Wiltshire, woollen manufacturers, June 4 at 11, Bristol.—*Duncan M'Gregor*, Newcastle-upon-Tyne, dealer in marine stores, June 5 at half-past 12, Newcastle-upon-Tyne.—*Edwin Sparrow*, Liverpool, metal broker, June 4 at 11, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*John Sykes*, Little Tower-hill, clothier.—*Henry John Betjemann*, New Oxford-street, chair manufacturer.—*T. Brooks*, Henrietta-street, Covent-garden, wine merchant.—*William Bowler*, Upper Ground-street, Lambeth, timber merchant.—*Thomas B. Manning*, Deptford, ironfounder.—*W. Batchelar*, Croydon, baker.—*Archibald Neilson*, Darlington, hosier.—*Charles Pleister*, Eversholt-street, St. Pancras, draper.—*J. Inglis*, King's-cross, draper.—*Wm. H. Miners*, Plymouth, grocer.—*Wm. Reushaw*, Liverpool, brewer.—*William Rennie*, *James Johnson*, and *Wm. Rankin*, Liverpool, shipwrights.—*Joseph Wood* and *James Wood*, Bradford, spinners.—*Abram Hanson*, Huddersfield, yarn manufacturer.—*Joseph North*, Northowram, near Halifax, grocer.

## TUESDAY, May 15.

### BANKRUPTS.

**WILLIAM SHELDRAKE FRANCIS SPARKS**, New Bond-street, dealer and chapman, May 25 and June 29 at 12, London: Off. Ass. Cannan; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury. Pet. f. May 14.

**HENRY ADAMS**, Uxbridge, mealman, May 25 and June 29 at 1, London: Off. Ass. Whitmore; Sols. Woolls, Uxbridge; Peterson, 7, Bouverie-street, Fleet-street.—Pet. f. May 11.

**WILLIAM JARMAN**, Gloucester-terrace, Hyde-park, dealer and chapman, May 29 at half-past 2, and June 26 at 2, London: Off. Ass. Lee; Sol. Willis, 90, Queen-street, Cheapside.—Pet. f. May 11.

**ROBERT NEAL**, Wandsworth-common, Surrey, dealer and chapman, May 29 at 2, and June 26 at 1, London: Off. Ass. Edwards; Sols. Smith & Son, 6, Barnard's-inn, Holborn.—Pet. f. May 11.

**THOMAS JOHN LATIMER**, Brighton, dealer and chapman, May 22 at half-past 12, and June 26 at 12, London: Off. Ass. Stansfeld; Sols. J. & J. H. Linklater, 17, Sise-lane.—Pet. f. May 14.

**GEORGE ANDERSON**, Upper-street, Islington, stationer, May 24 at 2, and June 21 at 1, London: Off. Ass. Johnson; Sol. Camp, 12, Paternoster-row.—Pet. f. May 10.

**THOMAS BOOKER**, Reading, dealer and chapman, May 25 and June 26 at 11, London: Off. Ass. Bell; Sols. Ford & Lloyd, Bloomsbury-square.—Pet. f. May 10.

**JOHN VASAS SIMPSON**, St. Swithin's-lane, London, and Herne Bay, Kent, billbroker, May 25 at half-past 11, and June 26 at 12, London: Off. Ass. Johnson; Sols. Bennett & Stark, Furnival's-inn, Holborn.—Pet. f. May 8.

**EDWARD PATTERSON**, Birmingham, draper, June 1 and 23 at 11, Birmingham: Off. Ass. Whitmore; Sols. Motteram & Knight, Birmingham.—Pet. d. May 2.

**JAMES SIMS**, Blakeney, Gloucestershire, tailor, May 29 and June 26 at 1, Bristol: Off. Ass. Acraman; Sols. Crosby, Bristol; Jay, Serjeant's-inn.—Pet. f. May 10.

**SAMUEL MEYER, ELIJAH BOULTON, and SPENCER BOULTON**, Bristol, dealers and chapmen, May 29 and June 26 at 11, Bristol: Off. Ass. Acraman; Sol. Salmon, Bristol.—Pet. f. May 10.

**HENRY WATSON**, Sheffield, common brewer, May 26 and June 23 at 10, Sheffield: Off. Ass. Brewin; Sol. Smith the younger, Sheffield.—Pet. d. May 9.

**JULIUS WEICHBRODT**, Liverpool, merchant, May 25 and June 21 at 11, Liverpool: Off. Ass. Turner; Sols. Littledale & Bardwell, Liverpool.—Pet. f. May 12.

**FRANCIS NORBURY**, Manchester, dealer and chapman, May 25 and June 15 at 12, Manchester: Off. Ass. Herniman; Sol. Barlow, Manchester.—Pet. f. May 10.

**JOAH CARVER and WILLIAM CARVER**, Halifax, dealers and chapmen, May 31 and June 22 at 11, Leeds: Off. Ass. Young; Sols. Robson, Halifax; Cariss & Cudworth, Leeds.—Pet. d. May 9.

**WILLIAM HARRIS PAUL**, late of Lawrence-lane, Cheapside, clothing manufacturer, (trading under the firm of A. P. Dresser & Co.), and now of Cornhill, share dealer, May 29 at 3, and June 29 at 11, London: Off. Ass. Edwards; Sol. Orchard, 3, Lyon's-inn, Strand.—Pet. f. May 14.

### MEETINGS.

*Robert Robinson*, Manchester, provision dealer, June 15 at 12, Manchester, last ex.—*Jonathan Clarkson*, Strand, grocer, June 5 at 1, London, aud. ac.—*James Churchyard*, Lothian-terrace, Cold Harbour-lane, Brixton, builder, June 1 at 11, London, aud. ac.—*George Tidd*, Codicote, Hertfordshire, corn dealer, May 28 at half-past 11, London, aud. ac.—*Robert Barbor*, Phoenix-wharf, Surrey Canal-bank, Deptford, grease manufacturer, May 29 at 2, London, aud. ac.—*Duncan M'Gregor*, Newcastle-upon-Tyne, and Dilton Paper Mill, Northumberland, paper manufacturer, May 25 at 1, Newcastle-upon-Tyne, aud. ac.—*J. Jones*, Tanyraik, Llandudulas, Denbighshire, quarryman, May 25 at 11, Liverpool, aud. ac.—*Joseph Feeney*, Liverpool, eating-house keeper, May 25 at 11, Liverpool, aud. ac.—*Westman Dickinson*, Clayton West, Yorkshire, corn dealer, June 11 at 11, Leeds, aud. ac. and div.—*Wm. Addy* and *Thos. Addy*, Leeds, cloth manufacturers, June 11 at 11, Leeds, aud. ac.—*Anne Bailes*, Sheffield, licensed victualler, May 26 at 10, Sheffield, aud. ac.—*Francis Kay*, Sheffield, cut-nail manufacturer, May 26 at 10, Sheffield, aud. ac.—*Wm. Shackel*, Canning-place, Old-street, St. Luke's, bacon merchant, June 4 at half-past 1, London, div.—*Robert Pledge*, Croydon, grocer, June 4 at 1, London, div.—*Samuel Isaacs*, Portsea, hardwareman, June 4 at half-past 1, London, div.—*George Rudd Waistell*, Noble-street, Wood-street, commission agent, June 4 at 1, London, div.—*Henry John Stewart*, Jermyn-street, tavern keeper, June 6 at 1, London, div.—*Edmund Oakley*, Poole, commission merchant, June 9 at half-past 11, London, div.—*George Jarrett*, Wickham Welford, Berkshire, builder, June 8 at half-past 11, London, div.—*W. Palmer*, Aldgate, draper, June 8 at 11, London, div.—*Wm. Hill*, Manchester, canvas dealer, June 6 at 12, Manchester, div.—*Mosley Nathan*, Liverpool, watch manufacturer, June 5 at 11, Liverpool, div.—*J. Walsh*, Liverpool, corn merchant, June 5 at 11, Liverpool, div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Randall Barrett*, Folkestone, ironmonger, June 6 at half-past 12, London.—*Joseph Clever* and *Caleb Stanger*, Kent-wharf, Queen's-road-bridge, Haggerstone, builders, June 6 at 2, London.—*Edward Hale*, Ware, Hertfordshire, fellmonger, June 6 at 2, London.—*Francis Smith*, Welbeck-st., Cavendish-square, and Blackfriars-road, builder, June 6 at 12, London.—*Henry Thomas Ryde*, Walbrook, dealer in mining shares, June 5 at 1, London.—*George Haworth*, *John Walsh*, and *Thomas Ainsworth*, Over Darwen, Lancashire, power-loom cloth manufacturers, June 14 at 12, Manchester.—*Charles Warwick*, Manchester, commission agent, June 7 at 11, Manchester.—*John Morgan*, Preston and Catshaw, Lancashire, cotton spinner, June 5 at 12, Manchester.—*Ralph Pickstone*, Hurst, Ashton-under-Lyne, cotton spinner, June 5 at 12, Manchester.—*Geo. Williamson*, Rochdale, cotton cloth manufacturer, June 5 at 12, Manchester.—*Thomas Hastings Irwin*, Southport, Lancashire, sharebroker, June 7 at 11, Liverpool.—*James Hargreaves Nuttall*, Liverpool, merchant, June 7 at 11, Liverpool.—*Richard Allcock*, Nottingham, wine merchant, June 12 at 10, Nottingham.—*John Maples*, Nottingham, upholsterer, June 12 at 10, Nottingham.—*S. Harris Armitage*, Almondbury, Yorkshire, surgeon, June 11 at 12, Leeds.

*To be granted, unless an appeal be duly entered.*

*George Hall*, Brighton, upholsterer.—*Thomas Whiford Nichols*, York-road, Battersea, candle manufacturer.—*S. Barnett*, Wellington-road, Liverpool-road, builder.—*James Scott*, Trinity-square, Tower-hill, ship chandler.—*Richard F. Kennedy*, West Cowes, Isle of Wight, chemist.—*G. Hardin*, High-street, Stoke Newington, linendraper.—*T. Lawrence*, Reading, draper.—*Simon Oates*, Cambridge, builder.—*Adam Hunter*, Woodstock, Oxfordshire, draper.—*Wm. Christopher Hardy*, Uxbridge-moor, Hillingdon, plumber.—*Jas. Rumsey*, Coventry, licensed victualler.

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## THE JURIST.

LONDON, MAY 26, 1855.

THE opinions of the majority of the judges, and the judgment of the House of Lords, in *Emmens v. Elderton*, (4 H. L. C. 624), confirming the judgment of the Court of Exchequer Chamber in *Elderton v. Emmens*, (6 C. B. 160), notwithstanding the cases of *Aspden v. Austin* (5 Q. B. 671) and *Dunn v. Sayles*, (Id. 685), may be considered as having finally settled, that an agreement between A. and B., that A. will serve B. for a term, and in consideration thereof B. will pay a salary for such service, will, in the absence of any stipulation clearly indicating a contrary intention, raise an implied contract on the part of B. that he will allow A. to continue in the service until the end of the term, in order that the stipulated reward may be earned, and not a mere agreement to pay the salary at the end of the term. B. is not bound to find actual work or employment for A., but he is bound to allow the relation of master and servant, or employer and employed, to continue during the term, subject, of course, to his right to dismiss A. for misconduct. And the distinction between an agreement to employ or to engage the services of a person in the sense before mentioned, for a given term, and then to pay for such services at the end of the term, and an agreement

simply to pay a given sum for services at the end of a certain term, is most important in its consequences. In the former case the person employed has an immediate remedy, the moment he is dismissed without lawful cause, for a breach of the contract to employ, and will recover compensation in damages for such breach, which may be less than the stipulated wages payable at the end of the term, if it happens that he has the opportunity of employing his time beneficially in another way, and the employer is not then bound to pay the whole sum agreed upon. But if the agreement be that the person employed is to be paid a certain sum for his services at a certain time, provided he serves or is ready to serve, there being no contract to employ during the term, he can only maintain an action, after that time has arrived, for non-payment, and then is entitled to recover the full amount, though his loss may be much less. And convenience is decidedly in favour of construing such agreements to be contracts to employ, as well as for the payment of wages. The question in the construction of these, as in all other contracts, is, what was the intention of the contracting parties; but the decision in *Emmens v. Elderton* shews that the strong leaning of the judges is, on grounds of policy and convenience, to hold all contracts for service on the one part, and for the payment of wages on the other, for a specified time, to be contracts on the part of the employer to maintain the relation of

employer and employed during the term, (though he is not bound to supply work), and not merely to pay the wages, unless there be some stipulation in the contract, or circumstance connected therewith, clearly and distinctly shewing a contrary intention on the part of the contracting parties. *Elderton v. Emmens* was an action by an attorney against a company on an agreement between them, which, stripped of the difficulties which arose from the form of the pleadings, was, in substance, "that from a certain day the plaintiff, as attorney of the company, should receive a salary of 100*l.* a year in lieu of rendering an annual bill for general business transacted by him for the company, and should, for such salary, advise and act for the company on all occasions and in all matters connected with the company, (the prosecuting &c. of suits, and some other matters, for which he was to be paid the regular charges, excepted); and that, in consideration that the plaintiff would advise and act for the company in the manner and on the terms aforesaid, the company promised to pay him the salary of 100*l.* a year;" and the plaintiff alleged, as a breach of this agreement, that before the expiration of one year the company wrongfully dismissed him from their employment, and refused to employ him as such attorney of the company, and to pay him the said salary. The Court of Exchequer Chamber, and afterwards the House of Lords, held, that the "refusal to employ," as here alleged, in the breach, must be taken to mean, not a refusal to find actual work for the plaintiff, but, after verdict at least, in the sense which would support the declaration, viz. a refusal to allow the plaintiff to continue in their service as their attorney—a refusal to continue the relation of employer and employed; and that the agreement shewed a contract by the company, not merely to pay the plaintiff his salary at the end of the year, but to continue him in their service as their attorney for one year at least, though they were not bound to find work for him; and that therefore he was entitled to sue the company immediately on his dismissal for the damages he thereby sustained, and was not bound to wait until the end of the year, and then sue for his year's salary;—and the majority of the judges commented strongly on the great inconvenience that would arise from a contrary construction of the contract; for if the only remedy was by action for the salary, the party employed could enter into no inconsistent employment, but must remain idle during the term; for if he acted otherwise he could recover nothing, because he would not have continued ready to serve until the salary became due. Indeed, it is still an open question whether a person who has engaged to serve for a certain time at certain wages, and who is wrongfully turned away by his master before that time has expired, is at liberty to elect to treat the dismissal as no dismissal at all, and to demand at the expiration of the term for which he was hired the whole of his stipulated wages, on the ground that his readiness to serve is equivalent in law to actual service. Mr. Smith, in his notes to *Cutter v. Powell*, (2 Smith's L. C. 19, 20), states the result of the authorities to be, that a clerk, agent, or servant has his election of three remedies:—First, he may bring a special action for his master's breach of contract in dismissing him, and this remedy he may pursue imme-

diately. (*Pagani v. Gandolphi*, 2 Car. & P. 370). Secondly, he may treat the contract as rescinded, and may immediately sue on a quantum meruit for the work actually performed; (*Planche v. Colburn*, 8 Bing. 14); but in that case, as he sues on an implied contract arising out of actual services, he can only recover for the time he has actually served. (And see *Fewings v. Tisdal*, 1 Exch. 295; 11 Jur. 977, accordante). Thirdly, he may wait until the termination of the period for which he was hired, and may then, perhaps, sue for his whole wages in indebitatus assumpsit, relying on the doctrine of constructive service. (*Gandell v. Pontigny*, 4 Camp. 375; *Collins v. Price*, 5 Bing. 132; vide tamen the observations of the judges in *Smith v. Hayward*, 7 Ad. & El. 544). As observed by Crompton, J., (4 H. L. C. 646), "It is clear, since the case of *Fewings v. Tisdal*, that this last remedy cannot be maintained in the shape of indebitatus assumpsit, for the simple reason that the allegation of the defendant being indebted for work done is untrue. But the question is still left undecided, how far a special action of debt, averring a contract to pay, a continuing readiness to serve, and a dismissal from service on the part of the master, might not be maintained." And in p. 644 the learned judge, commenting on the inconveniences of allowing such an action, says, "It would be much to be lamented if a servant or agent who was dismissed should be able to say, 'I could easily get another situation as good, or better, but I will not do so, and instead of claiming the real damage I have sustained by the inconvenience and temporary loss of situation, I will bring an action for every instalment of salary till the contemplated period has elapsed.'" And Parke, B., in the judgment in the Exchequer Chamber, (6 C. B. 187), said, "If it be held that such a contract as this is for service and pay respectively, and that although the employer has determined the relation by an illegal dismissal, the employed may entitle himself to the wages for the whole time by being ready to serve, a doctrine would be sanctioned that would be of pernicious consequence, as in the case of a business being discontinued, or a dismissal for misconduct without legal proof." (And see the observations of Erle, J., in *Beckham v. Drake*, 2 H. L. C. 606).

There are two cases (*Aspden v. Austin*, 5 Q. B. 671, and *Dunn v. Sayles*, Id. 685) cited in *Emmens v. Elderton* which were questioned\*, but not distinctly overruled. It is, however, difficult to reconcile them with the principle of that decision. Parke, B., indeed, in delivering the judgment of the Court of Error, (6 C. B. 187), and in his opinion before the House of Lords, (4 H. L. C. 669, 670), held that *Aspden v. Austin* and *Dunn v. Sayles* were clearly distinguishable from the case then before the Court: the former on the ground, that if the Court had there held that the defendant had contracted to continue to employ the plaintiff for the term of three years, the defendant would have been obliged, at however great a loss, to continue his business for that time; and the latter upon a similar ground, and also that in the indenture sued upon in that case the words "it is agreed," which would make the stipulation the agreement of both parties, were wanting. It is at least questionable whether the distinctions taken by the learned baron are satisfactory. In *Aspden v.*

\* See the opinions of Erle and Crompton, JJ.

*Austin*, by an agreement between the plaintiff and the defendant, the plaintiff agreed to manufacture for the defendant cement of a certain quality; and the defendant, on condition of the plaintiff performing such engagement, promised to pay him 4*l.* weekly during the first two years following the date of the agreement, and 5*l.* weekly during the third year, and also to take him into partnership as a manufacturer of cement at the end of the term; and the breach assigned was, that the defendant refused to permit the plaintiff to continue in the service of the defendant during the three years. The Court held that the agreement did not raise an implied promise that the defendant would continue the plaintiff in his service during the three years, or any part thereof; though the defendant was bound by the express words to pay the plaintiff the stipulated wages during that period, if the plaintiff served, or was ready to serve, according to his contract. And Lord Denman, in delivering the judgment of the Court, said, "The breach here assigned by the plaintiff assumes that the defendant, at however great loss to himself, was bound to continue his business for three years; but the defendant has not covenanted to do so; he has covenanted only to pay weekly sums for three years to the plaintiff on condition of his performing what on his part he has made a condition precedent; and the plaintiff will be entitled to recover those sums, whether he performs that or not, so long as he is ready, and willing, and offers to perform it, and is prevented only by the defendant from doing it. This, then, is the safe rule for determining the rights of these parties between each other, and no injustice follows to the plaintiff. If he should assign a breach in the non-payment of the weekly sums, it would be no answer for the defendant to say that he had discontinued the business and dismissed the plaintiff; the reply would be, that he might indeed, if he pleased, do both, but that he was still bound to make the payment which he had expressly covenanted to make." It is submitted, that it is scarcely correct to say that the breach in this case assumed that by the agreement the defendant *bound* or *obliged* himself to carry on his business for three years; for if the defendant at any time abandoned his business, he would not be liable to be sued by the plaintiff in terms for such abandonment; the only effect of such a course would be to render him liable to an action by the plaintiff for refusing to continue him in the service, and the measure of damages which the plaintiff would recover would be the loss which he sustained by his dismissal. It is true, that if the defendant ceased to carry on the business he could not perform his contract to employ the plaintiff in that business; but, as observed by Lord Denman, (5 Q. B. 683), "it would be an extension of the principle of *Sampson v. Easterby*, (6 Bing. 644), *Saltoun v. Houston*, (1 Bing. 433), and other cases cited in the argument, to hold, that where parties have expressly covenanted to perform certain acts, they must be held to have impliedly covenanted for every act convenient or even necessary for the perfect performance of their express covenants." And the covenant by the defendant to carry on the business would seem to be in its nature more extensive than a mere covenant to employ the plaintiff in the business, though as between the plaintiff and the defendant the damages arising from a breach of either covenant would be the same. But even assuming that if the Court had construed the agreement as amounting to a covenant to employ, such a construction must necessarily have raised an implied contract to continue the business, it is difficult to see how that could afford any ground for presuming an *intention* on the part of the defendant to covenant only for the payment of wages, and not to employ; for if the defendant must be taken to have known that the effect of covenanting to employ in the particular business for three years would be to raise an

implied contract to carry on the business, he must be presumed to be also cognisant of the consequences of a breach of his covenants. Now, as between the contracting parties in an agreement for the plaintiff to serve and the defendant to employ and pay wages, whether the plaintiff sued for a breach of the contract to employ, or on the implied covenant to carry on the business, the damage sustained by the plaintiff would be precisely the same, the only loss sustained by the plaintiff by the abandonment of the business being the loss of his employment. As, therefore, in such an agreement, the injury to the defendant, in case of a breach of the supposed implied covenant to carry on the business, would not exceed the injury which he would sustain from the breach of the covenant to employ, there does not appear to be any sufficient reason for saying that the circumstance, that an implied covenant to carry on the business arises, negatives an intention to enter into a contract to continue the plaintiff in the defendant's service, any more than the implication of a contract simply to employ would do. For a breach of either of these covenants, all that the plaintiff could obtain would be damages for his dismissal; and whether that dismissal was caused by the defendant giving up his business, or by any other cause, the damages would be the same; and these damages, in the great majority of cases at least, must be less than the salary, which, according to the doctrine laid down in *Aspdin v. Austin*, the plaintiff might sue for from time to time until the end of the term. The inconvenience and hardship to the master is increased instead of diminished by compelling him, in the event of his giving up his business, to pay his workmen the full amount of salary for the period of their engagements, instead of the smaller amount, which in most cases would compensate them for the loss sustained by their dismissal. The inconvenience to the public, and to the servant himself, arising out of such a doctrine, has been already pointed out in the passages cited from the judgment of the Exchequer Chamber in *Elderton v. Emmens*, and the observations of Erle and Crompton, JJ., in the House of Lords. *Dunn v. Sayles* was decided upon precisely the same ground as *Aspdin v. Austin*, and for the same reasons as those above urged it is submitted that it must be considered as substantially overruled by, and not distinguishable from, *Emmens v. Elderton*. With respect to the other ground on which this case was distinguished by Parke, B., viz. the omission of the words "it is agreed," it must be remarked, that in *Emmens v. Elderton* those words were no doubt most important, for the agreement was simply that the plaintiff should receive and accept a salary of 100*l.* a year; and without the words, "it is agreed between the plaintiff and the defendant that" &c., there would have been no covenant by the defendant even to pay the salary, from which alone the covenant to continue the plaintiff in the service, so as to enable him to earn the salary, could be implied; but in *Dunn v. Sayles* there was an *express* covenant by the defendant to pay the plaintiff wages, and it is from the covenant to pay wages for services, that, according to *Emmens v. Elderton*, the implied covenant by the employer to continue the employed in the service arises. Parke, B., in his opinion in the House of Lords, (4 H. L. C. 667), himself says, "I think that there is clearly implied, on the part of the person who contracts to pay a salary for services for a term, a contract to permit those services to be performed, in order that the stipulated reward may be earned, besides an agreement to pay the salary at the end of the term." In *Sykes v. Dixon*, (9 Ad. & El. 693), there being only an agreement by A. to serve B. for twelve months, without any contract by B. to employ A., the Court held the agreement void for want of mutuality; but in that case there was no contract by B. to pay wages for the service, from which a covenant to



employ could be implied. The recent case of *Reg. v. Welch* (22 L. J., M. C., 145) decides that where, in a contract to serve for a term, the wages to be paid to the servant for such service are not a fixed sum, but are to be measured by the amount of work done, the fact that the wages are so made dependent on the work done raises an implied obligation on the part of the employer to find a reasonable quantity of work for the servant, for otherwise the employer would be under no obligation to pay the servant any wages. (And see *Pilkington v. Scott*, 15 M. & W. 657).

### NOTES OF THE WEEK.

#### INSOLVENT DEBTORS COURT.—May 18.

[Before Mr. Commissioner MURPHY.]

*In re* HORATIO CLAGETT.

A rule in this case was argued some time since, calling upon the assignees, under a petition in this court of 1836, to shew cause why they should not execute a re-assignment to the insolvent of his estate, and why the warrant of attorney executed by him at his discharge should not be cancelled, or satisfaction entered up on the judgment obtained upon that warrant of attorney. The insolvent petitioned in the year 1836, and was discharged upon executing the usual documents. Since then he was made a bankrupt, and obtained his certificate; whereupon the present application was made, under the 62nd section of the 7 Geo. 4, c. 57, it being contended that the certificate granted under the 200th section of the Bankrupt-law Consolidation Act was a full discharge of prior existing claims.

*Sargood*, in support of the rule.

*Nichols* and *Reed*, contra.

Mr. Commissioner MURPHY to-day gave his judgment, after consulting the other members of the Court, whose opinion, he said, fully coincided with his own. He was of opinion that the meaning of the word "discharge," in the 12 & 13 Vict. c. 106, s. 200, was merely to relieve the bankrupt from all process in respect of the debts, but not to extinguish the debts themselves. Upon a careful comparison of the various clauses of the Bankrupt Act and of the 7 Geo. 4, c. 57, he arrived at the conclusion that the debts were not discharged and satisfied by the certificate in bankruptcy, and for that reason the rule must be discharged.

#### HOUSE OF LORDS.—May 18.

##### STATUTE-LAW COMMISSION.

The Lord Chancellor, in laying upon the table of the House a copy of the minutes of the proceedings of the Statute-law Consolidation Board, said he thought a copy ought to be laid before their lordships, inasmuch as one had been moved for in another place. He defended the commissioners from the charge of inactivity, for which he said there was no foundation, the work of consolidation requiring great consideration, and occupying a considerable time.

#### HOUSE OF COMMONS.—May 17.

##### PERSONAL ESTATES OF INTESTATES BILL.

The House went into committee on this bill.

On clause 1 being read,

Mr. *Henley* asked if the bill had the approval of the Government? It would completely alter the distribution of the personal property of intestates, and he hardly thought it safe to proceed with a measure of so sweeping a character unless it had received the sanction and approval of the law officers of the Crown.

Mr. *Collier* agreed in the two principal objects of the bill, which were to equalise the distribution of the personal estates of intestates throughout the kingdom, and to place the children of a mother dying intestate on the same footing as the children of a father dying intestate.

Mr. *Malins* said his hon. friend (Mr. L. King) proposed to abolish the customs of London and York, which established a different distribution of the estates of freemen of the city of London and persons residing in the city of York from that which applied in other parts of the kingdom. He (Mr. Malins) agreed in the desirability of abolishing customs that interfered with the general law of the land; and he thought that that part of the bill which related to advancements made to a child by a father, and advancements made by a mother, was also unobjectionable. He was not disposed to dissent from the principle of the bill, but he considered that some of its details, affecting the rights of heirs-at-law, were open to objection.

Mr. L. King expressed his readiness to accede to any suggestions of the hon. and learned gentleman, with the view of amending the clauses to which he had referred. He thought the abolition of the existing customs would place heirs-at-law in a much more favourable position than they held at present.

Mr. *Napier* considered that it was advisable, whenever it could be done, to have uniformity of legislation for the United Kingdom, and asked whether it was intended that the bill should extend to Ireland?

Sir F. *Theiger* suggested that some inconvenience would be occasioned if the bill came into operation immediately upon its passing. He thought its operation should be delayed for, say a period of three months, in order that persons who had made dispositions of their property depending on the existing local customs might be enabled, if they thought fit, to alter the distribution of their estates.

Mr. M. *Chambers* observed that this bill was most admirably drawn, presenting a view of the state of the law which was at once intelligible, not only to lawyers, but also to persons who were not lawyers, and he would recommend it as a model to all parties who were concerned in the preparation of parliamentary bills.

The clause was then agreed to, as were the other clauses of the bill, with some amendments.

On the motion of Sir F. *Theiger*,

A clause was added to the effect that the bill shall not come into operation till the 1st November, 1855.

##### GRAND JURIES.

Mr. *Bowyer* moved for leave to bring in a bill to facilitate the despatch of business before grand juries in England and Wales. He observed that the present practice was to swear witnesses, who had to give evidence before grand juries, in open court, and the consequence was, that these witnesses had to make their way through a crowd to the public crier, by whom the oath was administered, and back again through the crowd to the grand jury room. Thus a great deal of time was wasted, the grand jury was kept waiting, and the oath was administered in a very irreverent manner. To remedy this evil he proposed to give power to the foreman of the grand jury, or to any magistrate upon it, to administer the oath to witnesses.

After a short conversation upon the question whether the introduction of this bill should be postponed until the result of the select committee upon the Public Prosecutors Bill was ascertained, leave was given to bring in the bill.

May 18.

##### TYRONE ASSIZES.

Mr. M. *Mahon* asked the Chief Secretary for Ireland whether his attention had been called to the trial at the last Tyrone Assizes of two sets of defendants belonging to opposing religious and political parties, for mutual assaults on each other, at the same time and place, and to the course pursued by the public prosecutor employed by the Crown—namely, that though distinct and cross indictments were preferred by the one party against the other, he put both sets of defendants on trial



together on the several indictments, and called the witnesses of the respective parties alternately, until the equal number of six had been examined on each side against and for each party, each successive witness plumply contradicting what the preceding witness had sworn, and attributing to the opposite party the violence of which his own side was accused; and to the disapprobation expressed by the judge at the acquittal of the one set of defendants by the jury, contrary to his expectation; and whether such a mode of conducting a prosecution by the public prosecutor in Ireland met with the approbation of the right hon. gentleman?

Mr. *Horsman* understood the question to refer rather to the system which was pursued in those trials than to the particular trial to which he had alluded. On that occasion the circumstances that occurred were precisely in accordance with what had taken place frequently on former trials. It was a common practice in that part of Ireland that two sets of criminals, under different indictments, were tried by one jury. The attention of the Government had been called to the subject, and he might state that it did not appear to them to be desirable that such a system should be pursued. Instructions would accordingly be given to the Crown counsel not to be a party to such proceedings in future.

### Reviews.

*Smith's Law of Contracts. Second Edition. By J. J. MALCOLM, Inner Temple.*

WE are glad to see a new edition of this most useful elementary work. Written originally, by a gentleman possessing singular precision and clearness of expression, as a series of lectures to students at the Law Institution, at the present moment, when deserved attention is being paid to the legal education of the members of the higher branch of the Profession, a successful introduction into such a work of the recent important cases and changes in the law is a valuable addition to the means of instruction. The object of the present editor seems to have been twofold—first, to present the lectures as nearly as possible as they were originally delivered; and, secondly, to interweave such important cases as have since arisen illustrating the principles and the statutory changes in the law. In the execution of the first part of his task he has given a short account of the cases cited by Mr. Smith, who was in the habit of referring to them as he proceeded with his lecture. The mere citation of the name of the case to a student, who has seldom a library, and whose mind would only be perplexed by the details in the reports, was evidently a defect in the original publication, and this is now repaired. The second part of Mr. Malcolm's undertaking has been most satisfactorily performed. The great error in editing works of this elementary character is the overlaying of them with references. As a book laying down and illustrating principles, the grand object is to cite only those cases which exemplify it most prominently to the mind. The selection in this respect has been happily made; and the mistake which was committed in the original edition, of introducing a large number of cases and discussing nicer points, has been judiciously avoided. The cases, too, are interwoven with the text, the new parts being distinguished by brackets, and the interruption to which the change of style and position of matter subjected the reader is no longer felt. The new portions are well and clearly expressed, and afford ample information for the student. We congratulate Mr. Malcolm upon having produced the book in a form well calculated to secure for it a place among the treatises which persons intrusted with the conduct of legal education can safely use as class-books upon the most important branches of the law.

## FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 190).

### III.—JUDGES, OFFICERS, AND ADVOCATES.

#### High Bailiff.

To each court at least one high bailiff is appointed. As in the case of the clerk, one high bailiff is sometimes appointed to several courts.

*Qualification.*—No especial qualification is required for the person filling the office.

*How appointed.*—The high bailiff is appointed by the judge, by order of court.

*How removeable.*—This officer may be removed by the Lord Chancellor or the Chancellor of the Duchy of Lancaster respectively, at his discretion.

*Security.*—The high bailiff is bound to give security in the same form and for the same matters as the clerk.

*Disqualification.*—When appointed, he is not permitted, directly or indirectly, to be engaged as attorney or agent for any party in any proceeding in the court.

*Duties.*—The duties of the high bailiff are—to attend every sitting of the court for such time as shall be required by the judge, unless when his absence is allowed for reasonable cause by the judge; to serve all summonses and orders, and to execute all warrants, precepts, and writs issued from the court; to conform to the Rules of Practice regulating the proceedings of the court; and, subject to them, to obey the order and direction of the judge. The Rules of Practice, as in the case of the clerk, prescribe certain minute regulations for the convenient conduct of the office. He also acts as messenger in protection and insolvency cases.

*Liability.*—He is responsible for the acts and defaults of himself and his assistant bailiffs, in like manner as the sheriff of any county in England is responsible for the acts and defaults of himself and his officers.

*Sub-bailiffs.*—The high bailiff is empowered to appoint, in writing, a sufficient number of able and fit persons, not exceeding such number as the judge shall allow, to assist him in his office. These sub-bailiffs are liable to be dismissed at the pleasure of the high bailiff, or to be suspended or dismissed by the judge.

*Remuneration.*—This officer is remunerated by the fees allowed by the statutes and the Secretary of State's orders in respect of the proceedings of the court. He is bound to provide for the execution of the duties of the office out of the fees thus allowed. The Government has power to put this officer on salary.

#### Treasurer.

*Qualification—Security.*—The treasurer is an officer of the county court appointed by the Commissioners of her Majesty's Treasury, and removeable at their pleasure. No special qualification appears to be necessary to enable a person to accept this office. He is bound to give security for the same matters as the clerk or high bailiff. The number of these officers is twenty-three.

*Disqualification.*—The treasurer cannot act as an attorney or agent, directly or indirectly, for any party in any proceeding in the court.

*Duties.*—To each is assigned a certain number of districts within which his duties are to be performed. These duties consist in auditing half-yearly, quarterly, or oftener if necessary, the accounts of the clerk of the court connected with the ordinary duties of his office, as well as those incident to the office of registrar and official assignee in protection cases; in receiving the balances of the various monies properly to be paid over to him; in paying the judges their salaries and travelling expenses; in disposing of the balance remaining in his hands as directed by the Commis-

sioners of the Treasury; and in submitting annually to the audit board an account of his receipts and disbursements, with proper vouchers in respect of them. The account is then audited, and a statement of it transmitted to the Commissioners of the Treasury, who, after considering it, give directions as to the making up and passing of the account. It is then signed by two commissioners of audit, who are empowered to sign a certificate in the nature of a quietus, which operates as an effectual discharge to the treasurer, and to all other intents and purposes. Besides the duties already described peculiarly relating to the supervision of the clerk's accounts, other duties devolve on the treasurer with reference to the courts. He is required, with the approval of one of the Secretaries of State, to build, purchase, hire, or otherwise provide messuages and lands, with all necessary appurtenances, for holding the court, and for the offices connected therewith; or, instead of providing separate buildings, he may contract with the proper persons for the use and occupation of such hall or other building as may be necessary for the purpose of the court and officers, and subject to such conditions as to rent, and repairs, alterations, and improvements, as may be agreed on. He is also empowered, with the consent of the Commissioners of the Treasury, to borrow money at interest for the above purposes; and such contracts are binding on him and his successors in office. All the real and personal property belonging to the court are vested in the treasurer for the time being and his successors, in trust for the purposes of the court.

*Remuneration.*—The remuneration of this officer is by a salary determined as to its amount by the Lords Commissioners of the Treasury, and that salary was originally charged on the Consolidated Fund, but is now voted annually; the salary varies in amount from £500. to £7000. Besides his salary, he receives certain allowances for his travelling expenses incurred in proceeding to the several courts on his audit.

*Non-joinder of Offices.*—No two of the offices of clerk, high bailiff, and treasurer can be held by the same person.

#### *Advocates.*

*Counsel, Attornies, or other Advocates.*—Proceedings in the county court are, as a general rule, conducted by the parties in person. It is competent, however, for any party, as a matter of right, to appear by counsel and attorney, or by counsel only, or attorney only, such attorney not acting for another attorney in the conduct of the suit in court. It is, however, a matter of discretion with the judge whether the costs incurred in obtaining professional assistance shall be allowed as costs in the cause. It is competent for the judge, if he sees fit upon the hearing, to permit any person other than the advocates already mentioned to appear for parties in the cause.

*Employed exceptionally.*—With respect to employing an attorney or counsel antecedent or subsequent to the hearing, the costs of that employment cannot, even at the discretion of the judge, be allowed as costs in the cause. To employ a barrister or an attorney in the conduct of a cause in the county court is consequently exceptional.

#### IV.—PROCEDURE.

We will now describe the procedure of the court in the different matters within its original and auxiliary jurisdiction, whether legal or equitable.

##### ORIGINAL JURISDICTION.

##### LEGAL JURISDICTION.

*Dividing Demands.*—A plaintiff having one entire demand, which exceeds in amount that to which the jurisdiction extends, will not be permitted to divide it

into several parts in order to bring each within the jurisdiction, and thus recover the whole; but he is at liberty in such a case to abandon a part of his claim, so as to bring the residue within the jurisdiction, and then the judgment for the smaller sum operates as a satisfaction of the whole cause of action.

##### *Venue.*

It will be convenient to state here the law relating to venue, as it exists in the county courts.

*Explanation of Terms.*—Previously to doing so, it is necessary to explain that the county court in which a party is sued is called "the home court;" and every other county court, when spoken of relatively to this court, is called "the foreign court;" and the districts in which these courts are held are respectively called "the home district" and "the foreign district."

*Defendant's Place of Residence or Business generally determines Venue.*—The general rule is, that the dwelling-place or place of business of the defendant determines the district in which the suit is to be commenced. Where there are several defendants, any one of them may be sued in the district wherein he dwells or carries on business at the time of bringing the action. Where the defendant, or one of several defendants, has dwelt or carried on business at some time within six calendar months next before the time of bringing the action, or the cause of the action arose in one district and the defendant resides or carries on business in another, the plaintiff may, by leave of the court, sue in the former. Where, however, the plaintiff dwells more than twenty miles from the defendant, or where the whole or a material part of the plaintiff's cause of action did not arise within the district in which the defendant resides or carries on business at the time of bringing the action, or where an officer of the court is a party to the proceedings, unless in the last-mentioned case the proceedings relate to goods taken in execution under process of the court, the plaintiff is at liberty to proceed in the superior courts without incurring the penalty of losing his costs. The defendant's place of abode or business, therefore, at the time of bringing the action is the leading fact in determining the district in which he is to be sued. The same principle is preserved in proceedings against the person of a defendant, who can only be imprisoned in respect of a judgment by order of the court of that district in which he dwells or carries on business at the time of taking those proceedings. The court in which the judgment was obtained is immaterial for that purpose, unless where the commitment takes place at the time of the trial, as hereafter shewn.

##### *Parties.*

*Infant.*—In the county court, as in other courts, all persons who labour under no disability are permitted to sue and be sued; but a peculiarity exists there with respect to plaintiffs, which is, that an infant may sue in his own person for wages or piece work, or for work done as a servant, in the same manner as if of full age. This privilege does not apply to other claims, which must be sued for in the usual way by prochein amy or guardian.

*Parties—Contracts—Plaintiffs.*—When it is sought to enforce a contract, the same rules prevail with respect to parties as in the superior courts of common law.

*Defendants.*—Any one of the defendants may, however, be sued, at the option of the plaintiff, as no objection on the ground of non-joinder is allowed. If, however, too many persons are made defendants, it is a ground of nonsuit.

*Torts.*—The rules prevailing in the superior courts as to parties in actions of tort are adopted in the county court.

*Amendment.*—Such powers of amendment are conferred on the judges, that a mistake in making the proper persons parties to the suit seldom produces either inconvenience or injustice to the suitors, either in actions of contract or tort.

(To be continued).

## BILLS IN PROGRESS.

### ABSTRACT OF A BILL

(Prepared and brought in by Mr. Malins and Mr. Whiteside)

*To enable Infants, with the Approval of the Court of Chancery, to make binding Settlements of their Real and Personal Estate on Marriage.*

Sect. 1. From and after the passing of this act it shall be lawful for every infant, upon or in contemplation of his or her marriage, with the sanction of the Court of Chancery, to make a valid and binding settlement, or contract for a settlement, of all or any part of his or her property, whether real or personal, and whether in possession, reversion, remainder, or expectancy; and every conveyance and assignment of such real or personal estate, or contract to make a conveyance or assignment thereof, executed by such infant, with the approbation of the said court, for the purpose of giving effect to such settlement, shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years.

2. The sanction of the Court of Chancery to any such settlement, or contract for a settlement, may be given, upon petition presented by the infant, or his or her guardian, in a summary way, without the institution of a suit.

### ABSTRACT OF A BILL

(Presented by the Lord Chancellor)

*Intituled "An Act to facilitate Leases and Sales of Settled Estates."*

Sect. 1. The word "settlement," as used in this act, shall signify any act of Parliament, deed, agreement, copy of court roll, will, or other instrument, or any number of such instruments, under or by virtue of which any hereditaments of any tenure stand limited to or in trust for any persons, by way of succession, including any such instruments affecting the estates of any one or more of such persons exclusively; and the term "settled estates," as used in this act, shall signify all hereditaments of any tenure which are the subject of a settlement: and for the purposes of this act a tenant in tail after possibility of issue extinct shall be deemed to be a tenant for life.

2. It shall be lawful for the Court of Chancery, subject to the provisions and restrictions in this act contained, to authorise leases of any settled estates, or of any rights or privileges over or affecting any settled estates, for any purpose whatsoever, whether involving waste or not, provided the following conditions be observed:—

First, every such lease shall be made to take effect in possession, and shall be for a term of years not exceeding, for an agricultural lease, fourteen years; for a mining lease, or a lease of water, wayleaves, waterleaves, or other rights or easements, forty years; and for a building lease ninety-nine years, except only in cases where the court shall be satisfied that it is the usual custom of the district to grant building leases for longer terms:

Secondly, on every such lease shall be reserved the best rent, or reservation in the nature of rent, either uniform or not, that can be reasonably obtained, without taking any fine, or other benefit in the nature of a fine:

Thirdly, where the lease is of any earth, coal, stone, or mineral, a certain portion of the whole rent or payment reserved shall be from time to time set aside and invested as hereinafter mentioned; namely, when and so long as the person for the time being entitled to the receipt of such rent is a person who, by reason of his estate, or by virtue of any declaration in the settlement, is entitled to work such earth, coal, stone, or mineral for his own benefit, one fourth part of such rent, and otherwise three fourth parts thereof; and in every such lease sufficient provision shall be made to insure such application of the aforesaid portion of the rent, by the appointment of trustees, or otherwise, as the court shall deem expedient:

Fourthly, no such lease shall authorise the felling of any trees, except so far as shall be necessary for the purpose of clearing the ground for any buildings, excavations, or other works authorised by the lease:

Fifthly, every such lease shall be by deed, and the lessee shall execute a counterpart thereof; and every such lease shall contain a condition for re-entry on non-payment of the rent within a period of not less than twenty-eight days after it becomes due.

3. Subject and in addition to the conditions hereinbefore mentioned, every such lease shall contain such covenants, conditions, and stipulations as the court shall deem expedient with reference to the special circumstances of the demise.

4. The power to authorise leases conferred by this act shall extend to authorise leases either of the whole or any parts of the settled estates, and may be exercised from time to time.

5. Any leases granted under this act may be surrendered, either for the purpose of obtaining a renewal of the same or not; and the power to authorise leases conferred by this act shall extend to authorise new leases of the whole or any part of the hereditaments comprised in any surrendered lease, subject as aforesaid.

6. The power to authorise leases conferred by this act shall extend to authorise preliminary contracts to grant any such leases; and any of the terms of such contracts may be varied in the leases.

7. The power to authorise leases conferred on the Court of Chancery by this act may be exercised either by approving of particular leases or by ordering that general powers of leasing shall be vested in trustees in manner hereinafter mentioned.

8. When application is made to the court, either to authorise a particular lease, or to vest any general powers of leasing in trustees, the court shall require the applicant to produce such evidence as it shall deem sufficient to enable it to ascertain the nature, value, and circumstances of the estate, and the terms and conditions on which leases thereof ought to be authorised.

9. When a particular lease or contract for a lease has been approved of by the court, the court shall direct what person or persons shall execute the same as lessor; and the lease or contract executed by such person or persons shall take effect in all respects as if he or they was or were at the time of the execution thereof absolutely entitled to the whole estate or interest which is bound by the settlement, and had immediately afterwards settled the same according to the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use, or otherwise, as the court shall direct.

10. Where the court shall deem it expedient that any general powers of leasing any settled estates should be vested in trustees, it may by order vest any such power accordingly, either in the existing trustees of the settlement or any other persons; and such powers, when exercised by such trustees, shall take effect in all respects as if the power so vested in them had been originally contained in the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use, or otherwise, as the court shall direct; and in every such case the court, if it shall think fit, may impose any conditions as to consents or otherwise on the exercise of such power; and the court may also authorise the insertion of provisions for the appointment of new trustees from time to time for the purpose of exercising such powers of leasing as aforesaid.

11. It shall be lawful for the Court of Chancery, subject to the provisions and restrictions in this act contained, from time to time to authorise a sale of the whole or any parts of any settled estates, or of any timber (not being ornamental timber) growing on any settled estates, and every such sale shall be conducted and confirmed in the same manner as by the rules and practice of the court for the time being is or shall be required in the sale of lands sold under a decree of the court.

12. When any land is sold for building purposes, it shall be lawful for the court, if it shall see fit, to allow the whole or any part of the consideration to be a fee-farm rent issuing out of such land, which may be secured and settled in such manner as the court shall approve.

13. On any sale of land, any earth, coal, stone, or mineral may be excepted, and any rights or privileges may be reserved, and the purchaser may be required to enter into any covenants, or submit to any restrictions, which the court may deem advisable.

14. It shall be lawful for the Court of Chancery, subject to

the provisions and restrictions in this act contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, or paths, drains, or watercourses, either to be dedicated to the public or not; and the court may direct that the parts so laid out shall remain vested in the trustees of the settlement, or be conveyed to and vested in any other trustees, upon such trusts for securing the continued appropriation thereof to the purposes aforesaid in all respects, and with such provisions for the appointment of new trustees when required, as by the court shall be deemed advisable.

15. On every sale or dedication to be effected as hereinbefore mentioned the court may direct what person or persons shall execute the deed of conveyance; and the deed executed by such person or persons shall take effect as if the settlement had contained a power enabling such person or persons to effect such sale or dedication, and so as to operate (if necessary) by way of revocation and appointment of the use, or otherwise, as the court shall direct.

16. Any person entitled to the possession or to the receipt of the rents and profits of any settled estates for an estate for life, or any greater estate, may apply to the Court of Chancery, by petition in a summary way, to exercise the powers conferred by this act.

17. Subject to the exception contained in the next section, every application to the court must be made with the concurrence or consent of the following parties; namely,

Where there is no tenant in tail under the settlement in existence, then the parties to concur or consent shall be all the persons in existence having any beneficial estate or interest under or by virtue of the settlement, and also all trustees having any estate or interest on behalf of any unborn children;

And where there is a tenant in tail under the settlement in existence, then the parties to concur or consent shall be such tenant in tail, and all persons in existence having any beneficial estate or interest, under or by virtue of the settlement, prior to the estate of such tenant in tail, and all trustees having any estate or interest on behalf of any unborn children prior to the estate of such tenant in tail.

18. Provided nevertheless, that it shall be lawful for the court, if it shall think fit, to give effect to any petition, subject to and so as not to affect the rights, estate, or interest of any person (not being a tenant in tail) whose consent or concurrence has been refused or cannot be obtained, or whose rights, estate, or interest ought, in the opinion of the court, to be excepted.

19. In case any person, whose consent to an application would be necessary under the provisions herein contained, shall be born after the petition shall have been presented, such application may be proceeded with and disposed of as if such person was still unborn.

20. Notice of any application to the court under this act shall be served on all trustees who are seised or possessed of any estate in trust for any person whose consent or concurrence to or in the application is hereby required, and on any other parties who, in the opinion of the court, ought to be so served, unless the court shall think fit to dispense with such notice.

21. The court shall direct that some sufficient notice of any exercise of any of the powers conferred on it by this act shall be placed on the settlement, or on any copies thereof, or otherwise recorded, in any way it may think proper, in all cases where it shall appear to the court to be practicable and expedient, for preventing fraud or mistake.

22. All monies to be received on any sale effected under the authority of this act, or to be set aside out of the rent or payment reserved on any lease of earth, coal, stone, or minerals as aforesaid, may, if the court shall think fit, be paid to any trustees of whom it shall approve, and shall by such trustees be paid, applied, and laid out in the manner directed by the Lands Clauses Consolidation Act, 1845, "with respect to purchase money or compensation coming to parties having a limited interest," or as near thereto as circumstances will admit, without applying to the court; or if the court shall not think fit to authorise the payment of such monies to any trustees as aforesaid, the same shall be paid into the Bank of England, to the account of the Accountant-General of the Court of Chancery, ex parte the applicant in the matter of this act, and shall be paid, applied, and laid out in the manner directed by the said Lands Clauses Consolidation Act, or as

near thereto as circumstances will admit; but so, nevertheless, that all such monies, though not exceeding 20*l.*, shall be applied as by the said Lands Clauses Consolidation Act is directed with respect to sums exceeding 200*l.*

23. The Court of Chancery shall be at liberty to exercise any of the powers conferred on it by this act, whether the settlement shall contain powers to effect similar purposes or not, and whether the court shall have already exercised any of the powers conferred by this act in respect of the same property or not; but no such powers shall be exercised if the settlement contains an express declaration or manifest intention that they shall not be exercised.

24. Nothing in this act shall be construed to empower the Court of Chancery to authorise any lease, sale, or other act, beyond the extent to which, in the opinion of the court, the same might have been authorised in and by the settlement by the settlor or settlors.

25. After the completion of any lease or sale, or other act, under the authority of the court, in professed pursuance of this act, the same shall not be invalidated on the ground that the court was not hereby empowered to authorise the same; nor on the ground that the estates thereby affected were not settled estates within the meaning of this act; except that no such lease, sale, or other act shall have any effect against any person whose concurrence in or consent to the application ought to have been obtained, and was not obtained.

26. It shall be lawful for the court, if it shall think fit, to order that all or any costs or expenses of all or any parties of and incident to any application under this act shall be a charge on the hereditaments which are the subject of this application, or on any other hereditaments included in the same settlement; and the court may also direct that such costs and expenses shall be raised by sale or mortgage of a sufficient part of such hereditaments, or out of the rents or profits thereof, such costs and expenses to be taxed as the court shall direct.

27. The Chancery judges may make general rules and orders.

28. Rules and orders to be laid before Parliament.

29. It shall be lawful for any person entitled to the possession or to the receipt of the rents and profits of any settled estates for an estate for life or for any greater estate, either in his own right or in right of his wife, and also for any person entitled to the possession or to the receipt of the rents and profits of any unsettled estates as tenant by the courtesy, or in dower, or in right of a wife who is seised in fee, to demise the same or any part thereof from time to time for any term not exceeding fourteen years in possession, unless the settlement shall contain an express declaration that it shall not be lawful for such person to make such demise; provided that every such demise be made by deed, and the best rent that can reasonably be obtained be thereby reserved, without any fine, or other benefit in the nature of a fine, which rent shall be incident to the immediate reversion; and provided that such demise be not made without impeachment of waste, and do contain a condition of re-entry on non-payment within a time not less than twenty-eight days of the rent thereby reserved, and a non-observance of the covenants or conditions therein contained, and provided a counterpart of every deed of lease be made and executed by the lessee.

30. Every demise authorised by the last preceding section shall be valid against the person granting the same, and all other persons entitled to estates subsequent to the estate of such person under or by virtue of the same settlement, if the estates be settled; and in the case of unsettled estates, against all persons claiming through or under the wife or husband (as the case may be) of the person granting the same.

31. Repeal of the 32 Hen. 8, c. 28, except as to ecclesiastical leases.

32. Powers, applications, and consents may be exercised, made, or given by guardians, committees of lunatics, and assignees of bankrupts or insolvents; but as to infant or lunatic tenants in tail, not without the special direction of the court.

33. Married women to be separately examined, even in case of separate estate, and may apply or consent notwithstanding restraint on anticipation.

34. The examination of married women may be by the court, or by some solicitor duly appointed to administer oaths in Chancery.

35. Subject to such examination as aforesaid, married women may make or consent to any applications, whether they be of full age or infants.

36. Nothing in this act shall be construed to create any obligation, at law or in equity, on any person to make or consent to any application to the court, or to exercise any power.

37. For the purposes of this act a person shall be deemed to be entitled to the possession or to the receipt of the rents and profits of estates, although his estate may be charged or incumbered either by himself or by the settlor, or otherwise howsoever, to any extent; and any lease or sale authorised by this act may be made either subject to any such charge or incumbrance, or freed therefrom with the concurrence of the party entitled thereto.

38. Provided always, that nothing in this act shall authorise any sale or lease beyond the term of fourteen years of any settled estates in which, under the act of the 34 & 35 Hen. 8, c. 20, "to imber feigned recovery of lands wherein the King is in reversion," or under any other act of Parliament, the tenants in tail are restrained from barring or defeating their estates tail; but the timber on any such last-mentioned estates may be sold under this act.

39. Nothing in this act shall authorise the granting of a lease of any copyhold or customary hereditaments not warranted by the custom of the manor without the consent of the lord, nor otherwise prejudice or affect the rights of any lord of a manor.

40. The provisions of this act shall extend to all settlements, whether made before or after it shall come in force, except those as to demises to be made without application to the court, which shall extend only to settlements made after this act shall come in force.

41. This act shall not extend to Scotland or Ireland.

42. This act shall come in force on the 1st January, 1856.

## GAZETTES.—FRIDAY, May 18.

### BANKRUPTS.

ELIZABETH WHITAKER, Romford, Essex, plumber, June 5 at 3, and June 28 at 12, London: Off. Ass. Edwards; Sol. Leigh, 16, George-street, Mansion-house.—Pet. f. May 17.

JOHN LOWE, Northampton-place, Holloway-road, fishmonger, May 23 at half-past 12, and June 29 at 12, London: Off. Ass. Stansfeld; Sol. Stopher, Cheapside.—Pet. f. May 4.

GEORGE CAMPION POSTANS, Newmarket, Cambridgeshire, grocer, May 30 at 2, and June 29 at 1, London: Off. Ass. Graham; Sols. Kitchener, Newmarket; Aldridge & Bromley, 1, South-square, Gray's-inn.—Pet. f. May 12.

HARRIET TOWNSEND, Charles-street, St. James's, Westminster, dealer and chapwoman, May 26 and June 30 at 2, London: Off. Ass. Pennell; Sol. Shaw, 8, Furnival's-inn.—Pet. f. May 16.

SARAH FRAMPTON, Wimborne Minster, Dorsetshire, dealer and chapwoman, May 26 at half-past 1, and June 30 at half-past 12, London: Off. Ass. Nicholson; Sols. Moore, Wimborne; Bishop & Son, 23, New Bridge-street, Blackfriars.—Pet. f. May 15.

WILLIAM PETER GRANT, Cambridge, dealer and chapman, May 26 at half-past 2, and June 30 at 1, London: Off. Ass. Nicholson; Sol. Wheeler, 7, Furnival's-inn, Holborn.—Pet. f. May 17.

JOHN WALKER CASH, Manchester; Jewin-street, London; and Aschaffenburg, Bavaria; residing at Longsight, near Manchester, dealer and chapman, (in partnership with Leger Grouvel and William Henry Foster), May 28 at 11, and June 28 at 1, London: Off. Ass. Johnson; Sol. Catlin, Ely-place, Holborn.—Pet. f. May 15.

THOMAS EVANS PARTRIDGE and SAMUEL PARTRIDGE, Darlestone, Staffordshire, screw-bolt manufacturers, May 30 and July 4 at half-past 10, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham.—Pet. d. May 9.

WILLIAM TOMKYNS, Wolverhampton, dealer and chapman, May 30 and July 4 at half-past 10, Birmingham: Off. Ass. Whitmore; Sols. Price & Stuart, Wolverhampton.—Pet. d. May 14.

JOHN BIDDLE, Leicester, glove manufacturer, May 29 and July 10 at 10, Nottingham: Off. Ass. Harris; Sols. Spooner, Leicester; Motteram & Knight, Birmingham.—Pet. d. May 11.

JAMES TOMLINSON, Nottingham, timber merchant, May 29 and July 10 at 10, Nottingham: Off. Ass. Harris; Sols. Freeth & Co., Nottingham.—Pet. d. May 16.

THOMAS JOHN, Aberdare, Glamorganshire, dealer and chapman, June 1 and July 3 at 11, Bristol: Off. Ass. Müller; Sols. Bevan & Girling, Bristol.—Pet. f. May 16.

THOMAS HITT, Exeter, carrier, May 25 and June 20 at 1, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Pet. f. May 15.

JOHN ETHERIDGE and GEORGE MONCK BERKLEY MICHELL, Liverpool, insurance brokers, May 30 at 12 and June 20 at 11, Liverpool: Off. Ass. Morgan; Sols. Littledale & Bardswell, Liverpool.—Pet. f. May 14.

JOHN NOBLE, Liverpool, dealer and chapman, May 30 and June 20 at 12, Liverpool: Off. Ass. Cazenove; Sols. Fenwick & Aspinall, Liverpool.—Pet. f. May 14.

GEORGE HEALEY, Preston, dealer and chapman, June 8 and 22 at 12, Manchester: Off. Ass. Herniman; Sols. Chapman & Roberts, Manchester.—Pet. f. May 16.

### MEETINGS.

*Samuel Lowe*, Derby, silk manufacturer, May 31 at 11, Derby, pr. d.—*James Emmins*, Portland-road, Notting-hill, builder, May 29 at 12, London, last ex.—*David Halket*, Herne Bay, shipowner, May 29 at 2, London, last ex.—*H. Gibbs*, Gracechurch-street, merchant, May 29 at half-past 11, London, aud. ac.—*Thomas W. Horder*, Minories, and Barrington-road, Loughborough-road, Brixton, chemist, May 29 at half-past 11, London, aud. ac.—*Edward Burnell*, Houndsditch, and Skinner's-place, Leadenhall-market, baker, May 26 at 1, London, aud. ac.—*Wm. C. Currie*, Moorgate-street, merchant, May 26 at half-past 1, London, aud. ac.—*Richard Popties*, *Robert Griggs Popties*, and *George Meller*, Brentford, timber merchants, June 5 at 12, London, aud. ac.—*C. Firth* and *John Archer*, Liverpool, brokers, May 28 at 11, Liverpool, aud. ac.—*Wm. Billinge*, Rainhill, Prescot, Lancashire, stonemason, May 30 at 11, Liverpool, aud. ac.—*E. Sparrow*, Liverpool, metal broker, May 29 at 11, Liverpool, aud. ac.—*Moseley Nathan*, Liverpool, watch manufacturer, May 30 at 11, Liverpool, aud. ac.—*James Rankin*, Liverpool, wholesale clothier, May 29 at 11, Liverpool, aud. ac.—*Wm. Chadwick*, Liverpool, lime burner, May 29 at 11, Liverpool, aud. ac.—*John Walsh*, Liverpool, corn merchant, May 29 at 11, Liverpool, aud. ac.—*Robert Rimmer*, Tenbury, Worcestershire, publican, May 28 at half-past 10, Birmingham, aud. ac.—*Joseph Corbett*, Birmingham, coal merchant, May 28 at half-past 10, Birmingham, aud. ac.—*Sarah Ratcliffe*, *Benjamin Ratcliffe*, and *James Ratcliffe*, Halifax, manufacturers, May 31 at 11, Leeds, aud. ac. joint est., and aud. ac. sep. est. of *Benjamin Ratcliffe*.—*Joseph Popplewell*, Silkestone, Yorkshire, butcher, May 31 at 11, Leeds, aud. ac.—*Joseph Webb*, Scarborough, hotel keeper, May 31 at 11, Leeds, aud. ac.—*J. Moore*, Halifax, common brewer, May 31 at 11, Leeds, aud. ac.—*L. F. Bellot*, Old Jewry-chambers, merchant, June 14 at 11, London, div.—*Thomas J. Burton*, *Baker John Gabb*, and *Fred. R. Cruchley*, Wigmore-street, Cavendish-square, church furnishers, June 12 at 11, London, div.—*John Upson*, Bexley, Kent, shoemaker, June 12 at 12, London, div.—*Mier Levy*, Little Alie-street, Goodman's-fields, tailor, June 9 at 1, London, div.—*Joseph Poppleton*, Leicester, lambswool spinner, June 12 at 10, Nottingham, div.—*Jonathan Wright*, *Wm. Wright*, and *L. Wright*, Oxenhope, near Keighley, worsted spinners, June 8 at 11, Leeds, div. joint est., and div. sep. est. of *Jonathan Wright*.—*H. Ludlam* and *J. Reaney*, Sheldfield, ironmongers, June 9 at 10, Sheffield, div.—*John Carter*, Liverpool, licensed victualler, June 11 at 11, Liverpool, div.—*Betty Baron*, *Henry W. Knowles* and *James Heyworth*, Bacup, Lancashire, manufacturers, June 11 at 12, Manchester, div.

### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*William Joyce*, Greenwich, ship builder, June 12 at half-past 12, London.—*James Bishop*, Caroline-place, City-road, builder, June 14 at half-past 11, London.—*John Dawson*, West Cowes, Isle of Wight, cattle salesman, June 12 at half-past 1, London.—*George Wilson* and *William Raynam*, Walmer-road, Notting-hill, builders, June 9 at half-past 12, London.—*Sarah Nuttall*, Lower Tunstead, near Newchurch, Lancashire, innkeeper, June 11 at 12, Manchester.—*William Riley*, *J. Lupton*, *R. Halstead*, and *J. Haworth*, Burnley,

Lancashire, cloth manufacturers, June 8 at 12, Manchester.—*James Hood*, Selby, Yorkshire, carrier, June 8 at 11, Leeds.—*William Clarendon*, Sheffield, mason, June 9 at 10, Sheffield.—*Henry Ludlam* and *Joseph Reaney*, Sheffield, ironmongers, June 9 at 10, Sheffield.—*William Ramsey*, Coventry, tailor, June 14 at half-past 10, Birmingham.—*Thomas Richardson*, Birmingham, pen-holder manufacturer, June 14 at half-past 10, Birmingham.—*John Brookes*, Birmingham, brace manufacturer, June 14 at half-past 10, Birmingham.—*Joseph Kell*, Brierley-hill, Staffordshire, grocer, June 11 at half-past 10, Birmingham.—*Charles Grove*, Birmingham, licensed victualler, June 11 at half-past 10, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*John Hogarth*, Rotherhithe-street, Rotherhithe, iron merchant.—*James Whiting Fisher* and *James Basey*, Norwich, cabinetmakers.—*Geo. Ward Gilbert*, Hammersmith, licensed victualler.—*Samuel Sheppard Ireland*, Brighton, cabinet-maker.—*Christian Drake*, Garlick-hill, London, drysalter.—*Robert Norman*, Wiston, Cambridgeshire, grocer.—*William Edmund Champion*, Addington-terrace, East India Dock-road, Limehouse, brick merchant.—*John Whittaker*, Oldham, publican.—*Alexander Jackson*, Manchester, clock manufacturer.—*Simoon Stanfield*, Little Hulton, Lancashire, cotton-spinner.—*Samuel Garratt* and *Henry Buckley*, Sand Mill, near Mottram, Longdendale, Cheshire, innkeepers.—*John Bodington*, Manchester, hop merchant.—*John Jones*, Ancosta, Manchester, innkeeper.—*John Roper*, Keighley, Yorkshire, worsted spinner.

#### PETITION ANNULLED.

*Spencer Percival Plumer*, New City Chambers, merchant.

#### PARTNERSHIP DISSOLVED.

*Edward Clarke* and *Samuel Jackson*, Bedford-row, Holborn, attorneys and solicitors.

#### TUESDAY, May 22.

##### BANKRUPTS.

**ALFRED DIXON TOOVEY** and **JOSEPH WYATT**, Aldermanbury, dealers and chapmen, May 31 at 11, and July 7 at 1, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater, 17, Sise-lane.—Pet. f. May 19.

**HENRY THOMAS**, Walsall, Staffordshire, saddler, June 2 and 29 at 11, Birmingham: Off. Ass. Whitmore; Sols. Wilkinson, jun., Walsall; James, Birmingham.—Pet. d. May 21.

**ALFRED CHEADLE** and **FREDERICK CHEADLE**, Stone, Staffordshire, drapers, June 2 and 29 at 11, Birmingham: Off. Ass. Christie; Sols. Weaver & Hinds, Stafford; Mottram & Knight, Birmingham.—Pet. d. May 21.

**HENRY THOMPSON**, Ilkestone, Derby, dealer and chapman, June 5 and July 10 at 10, Nottingham: Off. Ass. Wilkinson; Sols. Smith, Nottingham; Rushworth, Birmingham.—Pet. d. May 21.

**SAMUEL CLAY**, Wakefield, dealer and chapman, June 18 at 12, and July 16 at 11, Leeds: Off. Ass. Hope; Sols. Westmorland & Taylor, Wakefield; Bond & Barwick, Leeds.—Pet. d. May 18.

**THOMAS SEPTON**, Prescott, Lancashire, licensed victualler, June 1 and 28 at 11, Liverpool: Off. Ass. Turner; Sols. Evans & Son, Liverpool; Marsh, St. Helens.—Pet. f. May 19.

**DAVID HUGHES**, Beld, Merionethshire, draper, June 4 and 27 at 11, Liverpool: Off. Ass. Morgan; Sols. Sale & Co., Manchester; Evans & Son, Liverpool.—Pet. f. May 14.

**RICHARD HART**, West Hartlepool, dealer and chapman, June 1 at 11, and July 13 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hodge & Hale, Newcastle-upon-Tyne.—Pet. f. May 10.

##### MEETINGS.

*Thomas Salmon*, Kettering, Northamptonshire, ironmonger, June 4 at 11, London, last ex.—*Peter Poland* and *Evan Barnett Meredith*, Bread-street, Cheapside, furriers, June 14 at half-past 1, London, last ex.—*Wm. Johnson*, Deeping, Lincolnshire, grocer, June 19 at 11, London, last ex.—*John Wilmore*, Leicester, woollendrapers, June 12 at 10, Nottingham, last ex.—*Michael Wood* and *John Wilding*, Openshaw, Lancashire, boiler makers, June 7 at 12, Manchester,

last ex. of *Michael Wood*.—*Ephraim Levy Green*, Bevis Marks, wholesale clothier, June 1 at 1, London, aud. ac.—*James Norton Weeks*, East Cowes, Isle of Wight, hotel keeper, May 30 at 12, London, aud. ac.—*Wm. Gillard* the elder, Catherine-street, Strand, and Thornhill-square, Islington, dealer in oils, June 4 at 12, London, aud. ac.—*Samuel Manning*, Cornwall-road, Hammersmith, builder, June 4 at 12, London, aud. ac.—*William Watts*, East Cowes, Isle of Wight, chemist, June 4 at 12, London, aud. ac.—*John Tvegenza*, Oxford-street, shoe manufacturer, June 19 at 12, London, aud. ac.—*James Holland* and *Edward Warden*, Preston, tallow chandlers, June 4 at 12, Manchester, aud. ac. and div.—*Betty Baron*, *Henry Wm. Knowles*, and *James Heyworth*, Bacup, Lancashire, manufacturers, June 4 at 12, Manchester, aud. ac.—*Wm. Critchley*, Manchester, publican, June 8 at 12, Manchester, aud. ac.—*Henry Perks*, Liverpool, porter merchant, June 1 at 11, Liverpool, aud. ac.—*John Richardson*, Chesterfield, draper, June 2 at 10, Sheffield, aud. ac.—*Samuel Plimsoil*, Sheffield, coal merchant, June 2 at 10, Sheffield, aud. ac.—*William Wolfe Bonney* and *Thomas F. Beales*, William-st., Knightsbridge, wine merchants, June 12 at 1, London, div. joint and sep. ests.—*William Reade* and *Geo. Reade*, Hibernia-chambers, London-bridge, Southwark, provision merchants, June 12 at 12, London, div. sep. est. of *William Reade*.—*Edmund Heningham*, Caversham, Oxfordshire, and High Wycomb, Buckinghamshire, fellmonger and dealer in wool, June 13 at 2, London, div.—*James Speller*, High-street, Wapping, sail maker and ship chandler, June 13 at 2, London, div.—*James Green*, Northampton, builder, June 13 at 2, London, div.—*James Waddell*, Lime-street and Leadenhall-street, insurance broker, June 12 at 1, London, div.—*Ralph Pickstone* and *Ambrose Mayall*, Hurst, Ashton-under-Lyne, cotton spinners, June 18 at 12, Manchester, div.—*John Fletcher*, Unsworth Mill, near Bury, and Manchester, cotton manufacturer, June 12 at 12, Manchester, div.—*James Johnson*, Macclesfield, silk dyer, June 13 at 12, Manchester, div.—*George Williamson*, Rochdale, cotton cloth manufacturer, June 13 at 12, Manchester, div.—*James Schofield* and *Robert Schofield*, Rochdale, cotton spinners, June 15 at 12, Manchester, div.—*James Hampson*, Manchester, ironfounder, June 14 at 12, Manchester, div.

##### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*David L. Williams*, Cannon-street, civil engineer, June 13 at half-past 1, London.—*Samuel Perkes*, Earl-street, Blackfriars, engineer, June 13 at half-past 12, London.—*John Burrows* and *Alexander M. Reid*, Leadenhall-street, ship brokers, June 13 at half-past 2, London.—*William Wilkins*, Aylebury-street, Clerkenwell, licensed victualler, June 15 at half-past 1, London.—*Thomas A. F. Burton*, Montague-cloze, Southwark, wharfinger, June 12 at 1, London.—*James Turner*, Hedge-row, High-street, Islington, draper, June 12 at 1, London.—*Peter Taylor*, Manchester, millwright, June 13 at 12, Manchester.

*To be granted, unless an appeal be duly entered.*

*George C. Stewart*, Hackney-road, draper.—*Charles Fox*, Stafford-place, Pimlico, licensed victualler.—*Matthew Richard Scott*, Harley-place, St. Marylebone, West India merchant.—*Edward A. Weeks* and *Alfred W. G. Weeks*, Park-cottage, King's-road, Chelsea, horticultural builders.—*Thomas Henry Rees*, Aldine-chambers, Paternoster-row, printer.—*Thomas W. Horder*, Minories, and Barrington-road, Loughborough-road, Brixton, chemist.—*A. Tunstall*, Park-villas, Northumberland-park, Tottenham, electro plater.—*G. Roota*, Chatham, brickmaker.—*Thomas Bewick*, Half Moon-street, Piccadilly, licensed victualler.—*Edward Hodges Bailey*, Newman-street, Oxford-street, and Crescent, Camden-road-villas, sculptor.—*Alfred Spence*, Chilworth, near Guildford, paper manufacturer.—*Henry Broome*, Portsmouth, licensed victualler.—*George Hutchison*, Palace-row, New-road, timber merchant.—*Francis Edward Bingley*, Grove-terrace, St. John's-wood, and Somerset-terrace, Pimlico, auctioneer.—*Robert Norman*, Hinton, Cambridgeshire, grocer.—*Thomas Nightingale*, Broad-chalk, Wiltshire, innkeeper.—*George Rochester*, Bishopwearmouth, Durham, linendrapers.—*George Bailey*, Walsall, Staffordshire, innkeeper.—*Stephen Knapp*, Coventry, printer.—*Richard Russell*, Leamington Priory, printer.

##### PETITION ANNULLED.

*Henry Holland*, Liverpool, merchant.



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Hammersmith.—Very valuable Copyhold Estates, producing about 160l. per annum, part of the Estates of the late William Payne, Esq.

**MESSRS. FAREBROTHER, CLARK, and LYE** are directed by the Executors to SELL by AUCTION, at Garraway's, on Tuesday, June 12, at 12, in lots, a very valuable COPY-

HOLD ESTATE, situate in the High-street, Hammersmith, near the Broadway, comprising three capital Houses and Shops, with large gardens, in the occupations of Mr. Lacey, grocer, and Mr. Barker, upholsterer, at rents amounting to 182l. 10s. per annum; also a very valuable piece of Copyhold Ground, now used as a market garden, in the rear of the foregoing, and having frontage to, and entrance from, Great Church-lane, adapted for building purposes. The property is copyhold of the Manor of Fulham, subject to a quit-rent of 2s. per annum, and the land-tax is redeemed.

May be viewed by permission of the tenants, and particulars had of Edward Jennings, Esq., solicitor, 9, Chancery-lane; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

Wiltshire.—Very valuable Church Preferment, amounting to nearly 1500l. per annum; the Incumbent aged 70 years.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed to SELL, at Garraway's, on Wednesday, June 13, at 12, (unless an acceptable offer is previously made by private contract), the very valuable NEXT PRESENTATION (subject to the life of the incumbent, aged 70 years) to the RECTORY of Pewsey, situate about seven miles from Marlborough, twelve from Devizes, thirty from Bath, and fourteen from the Great Western Station at Hungerford; consisting of an excellent residence, with offices, garden, and 124A. 2a. 1p. of glebe land. Also the commuted Rent-charge in lieu of the great and small tithes of the parish, containing about 4000 acres. The gross annual value is 1464l. 11s. 7d.

Descriptive particulars may be had, 31 days previous to the sale, of Messrs. Blake, Tylee, and Tylee, 14, Essex-street, Strand; at the Bear Inn, Devizes; Allesbury Arms, Marlborough; White Hart, Bath; Angel, Oxford; Bull, Cambridge; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

Albury, Herts, five miles from the Railway at Bishop Stortford.—Freehold and small part Copyhold Farm, called "Piggotts," the Fox Public-house, and sundry Inclosures of detached Lands; the whole containing 196 acres.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed by the Trustees to SELL BY AUCTION, at Garraway's, on Wednesday, June 13, at 12, in seven lots, the following very valuable FREEHOLD ESTATES, situate about five miles from the Railway Station at Bishop Stortford, ten from Ware, twelve from Hertford, and adjoining the Kennel of the Puckeridge, Hounds, in the parishes of Albury, Little Hadham, and Braughing, viz.:—Piggotts Farm, comprising a comfortable farm-house, (suitable for a dwelling box), good garden, orchard, warm farm-yard, with extensive stabling, wheat, oat, and barley barns, cow-houses, cattle and cart sheds, and 183 acres of productive arable and pasture land, lying very compact, chiefly under-drained, and partly till-free. The Fox licensed public-house, adjoining the high road, with offices and gardens. A plot of detached Arable Land, situate in Molly Chips Common. Two Inclosures in Parsonage Common, near Parsonage Farm, and abutting on Albury Park. A plot of Arable Land, situate in Ham's Common; and a very valuable inclosure of Land, abutting on the road from Little Hadham to Standon, and adjoining the lands of the Marquis of Salisbury and Mr. Chapman, known as Priory Leys. The whole estate comprises about 196 acres, and is in the occupation of Mr. Peter Sullens, a most respectable tenant, on lease, which will expire on the 29th September, 1857, at the very low rent of 185l. per annum.

May be viewed, and particulars, with plans, had of the tenant; at the Fox, on the estate; George, Bishop Stortford; Saracen's Head, Ware; Salisbury Arms, Hertford; and in London, of D. S. Bocket, Esq., solicitor, 60, Lincoln's-inn-fields; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, 6, Lancaster-place, Strand.

Islington, close to the Parish Church, in the High-street, and extending behind the Upper-terraces.—Highly valuable and important Building Land, comprising about Three Acres, and Blacksmith's Shop, &c.

**MESSRS. FAREBROTHER, CLARK, and LYE** have received instructions to SELL by AUCTION, at Garraway's, on Wednesday, June 13, at 12, in lots, a highly valuable and important PROPERTY, comprising about three acres of building land, and the only uncovered land so close to the metropolis, situate abutting on the High-street, Islington, to which there is a frontage of 300 feet, extending in the rear behind Upper-terraces, and close to the parish church. The property is copyhold of the manor of Canonbury, subject to a trifling quit-rent, and a fine on death or alienation of 6s. 8d. per house, or 6s. 8d. per acre for land; so is equal in value to freehold, and the cost of enfranchisement would be nearly nominal. There is a lease upon the property, which has six years and three quarters to run; consequently the reversion after the expiration of that lease is intended only to be sold.

The plans published with the particulars will shew the great capabilities of the property for building purposes, and both may be had, 31 days prior to the sale, at the Angel, Islington; of Messrs. Whitbread and Smith, solicitors, Lincoln's-inn-fields; of Mr. George Smith, architect, Mercers' hall; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

## GAZETTES.—FRIDAY, May 25.

## BANKRUPTS.

**MATTHEW JAMES POPPLEWELL**, Clement's-lane, and **ROBERT GOFF**, New London-street, merchants, (lately carrying on business under the firm of Popplewell & Co.), June 5 at 11, and July 6 at 12, London: Off. Ass. Stansfeld; Sol. Pollock, 31, New Broad-street, City.—Pet. f. April 18.

**JAMES MARTYR**, Union-street, Southwark, ironmonger, (trading under the style or firm of Martyr & Co.), June 6 and July 6 at 1, London: Off. Ass. Graham; Sols. Hill & Matthews, 1, Bury-court, St. Mary-axe.—Pet. f. May 24.

**THOMAS AMOR**, Connaught-terrace, Edgeware-road, dealer and chapman, May 30 at half-past 2, and July 6 at half-past 11, London: Off. Ass. Stansfeld; Sol. Chidley, Gresham-street.—Pet. f. May 21.

**CHARLES HUDSON**, High-street, Southwark, dealer and chapman, June 1 at half-past 11, and June 28 at 2, London: Off. Ass. Bell; Sol. Hilleary, 5, Fenchurch-buildings.—Pet. f. May 15.

**HERMAN HIRSCHBERG**, Cheapside, merchant, June 7 at 1, and June 29 at 11, London: Off. Ass. Bell; Sols. J. & J. H. Linklater, 17, Sine-lane.—Pet. d. April 11.

**JOHN BLAKEWAY**, Birmingham, and Hall-green, Yardley, Worcestershire, dealer and chapman, June 9 and 29 at 11, Birmingham: Off. Ass. Christie; Sol. Bartleet, Birmingham.—Pet. d. May 16.

**JAMES POWER**, Wolverhampton, dealer and chapman, June 6 and July 9 at half-past 10, Birmingham: Off. Ass. Bittleston; Sols. Gough, Wolverhampton; E. & H. Wright, Birmingham.—Pet. d. May 24.

**WILLIAM COMELY** the elder, Tipton, Staffordshire, dealer and chapman, June 6 and July 9 at 12, Birmingham: Off. Ass. Bittleston; Sols. Wilkes, Gloucester; Hodgson, Birmingham.—Pet. d. May 23.

**CHARLES MASSINGHAM**, Birmingham, dealer and chapman, June 6 and July 9 at half-past 10, Birmingham: Off. Ass. Bittleston; Sol. Sutton, Birmingham.—Pet. d. May 17.

**JAMES DENNISS**, Torquay, dealer and chapman, June 8 and 28 at 1, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Pet. f. May 21.

**SAMUEL THOMAS SLOGGETT**, Devonport, linendraper, June 4 and July 9 at 11, Plymouth: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Pet. f. May 18.

**DAVID HUGHES**, Bala, (and *not* Beld, as before advertised), Merionethshire, draper, June 4 and 27 at 11, Liverpool: Off. Ass. Morgan; Sols. Sale & Co., Manchester; Evans & Son, Liverpool.—Pet. f. May 14.

**THOMAS HEWITT**, Ormalkirk, Lancashire, grocer, June 7 and 28 at 11, Liverpool: Off. Ass. Bird; Sol. Forshaw, Liverpool.—Pet. f. May 14.

**JOHN WILLIAMS**, St. Asaph, Flintshire, and Llandudno, Carnarvonshire, dealer and chapman, June 7 and 28 at 11, Liverpool: Off. Ass. Turner; Sols. Evans & Son, Liverpool; Wyatt & Sisson, St. Asaph.—Pet. f. May 23.

**WILLIAM STAGG**, Manchester, dealer and chapman, (trading under the style or firm of the executors of Charles Thomas Jerram), June 8 and 29 at 12, Manchester: Off. Ass. Hernaman; Sol. Slater, Manchester.—Pet. f. May 22.

**ANTHONY ATCHESON**, Cheetham, near Manchester, wine merchant, (lately carrying on business with Thomas Cottrell, under the firm of Atcheson & Cottrell), June 6 and 27 at 12, Manchester: Off. Ass. Fraser; Sol. Slater, Manchester.—Pet. f. May 19.

**WILLIAM JONES**, Manchester, glass merchant, June 5 and 26 at 12, Manchester: Off. Ass. Pott; Sol. Eltoft, Manchester.—Pet. f. May 14.

**JOHN AND GEORGE BARTON**, Manchester, dealers and chapmen, (trading under the style or firm of John Barton & Co.), June 11 and 25 at 12, Manchester: Off. Ass. Fraser; Sols. Atkinson & Co., Manchester.—Pet. f. May 23.

**JOHN WILSON AND BENJAMIN WILSON**, Manchester, tailors, (carrying on business under the firm of John Wilson & Son), June 7 and 28 at 12, Manchester: Off. Ass. Hernaman; Sol. Andrew, Manchester.—Pet. f. May 21.

## MEETINGS.

*Charles Warwick*, Highbury-place, Islington, warehouseman, June 8 at 12, London, ch. ass.—*Prescott Corless*, Wigan, Lancashire, tea-dealer, June 7 at 12, Liverpool, ch.

ass.—*John Bailey Sergeant*, Portsmouth, wine merchant, June 15 at 12, London, last ex.—*James Aldred*, Manchester, innkeeper, June 14 at 12, Manchester, last ex.—*T. Fowkes*, Redditch, Worcestershire, innkeeper, June 15 at 11, Birmingham, last ex.—*Isaac H. W. Hunt*, Raigate, Surrey, builder, June 12 at 12, London, and ac.—*Chas. Viner*, *Henry Viner*, *George Viner*, and *Joseph John Viner*, Brighton, plumbers, June 12 at half-past 11, London, and ac.—*W. Mead*, Milk-st., Cheapside, commission agent, June 5 at half-past 12, London, and ac.—*Samuel Morris Krohn*, Broad-street, Cheapside, merchant, June 14 at 12, London, and ac.—*Cornelius A. Markham*, Godmanchester, Huntingdonshire, carrier, June 6 at 12, London, and ac.—*Wm. Randall Barrett*, Folkestone, Kent, ironmonger, June 6 at half-past 12, London, and ac.—*Wm. Batchelor*, Croydon, Surrey, baker, June 6 at 1, London, and ac.—*Samuel King*, Buckland, and *Charles King*, Draycott Moore, Berkshire, wheelwrights, June 6 at half-past 12, London, and ac.—*Thomas Youngman*, Pitfield-street, Hoxton, linendraper, June 6 at 12, London, and ac.—*Wm. Crole* the younger, Rood-lane, East India merchant, June 6 at 12, London, and ac.—*Ben Edwards*, Aberavon, near Taibach, Glamorganshire, grocer, June 14 at 11, Bristol, and ac.—*John Driscoll*, Cardiff, Glamorganshire, potato merchant, June 14 at 11, Bristol, and ac.—*Daniel Hearn*, Cheltenham, linendraper, June 7 at 11, Bristol, and ac.—*James Johnson*, Macclesfield, silk dyer, June 5 at 12, Manchester, and ac.—*Ralph Picketstone* and *Ambrose Mayall*, Ashton-under-Lyne, cotton spinners, June 5 at 12, Manchester, and ac.—*George Williamson*, Rochdale, cotton-cloth manufacturer, June 5 at 12, Manchester, and ac.—*James Hampson*, Manchester, ironfounder, June 7 at 12, Manchester, and ac.—*Francis Behrens*, Birmingham, general merchant, June 4 at half-past 10, Birmingham, and ac.—*Jonathan Wright*, *Wm. Wright*, and *Lapton Wright*, Oxenhope, near Keighley, Yorkshire, worsted spinners, June 7 at 11, Leeds, and ac.—*T. Brown*, Bradford, grocer, June 26 at 1, Leeds, and ac. and div.—*J. Taylor*, Ovenden, near Halifax, worsted spinner, June 26 at 11, Leeds, and ac. and div.—*G. Smith*, Union-st., Southwark, hat manufacturer, June 15 at 2, London, div.—*J. Pettipher*, Rochester-road, Camden-town, builder, June 15 at 11, London, div.—*George Tidd*, Codicote, Hertfordshire, corn dealer, June 19 at 12, London, div.—*Wm. Holloway*, Millbank-street, Westminster, saddler, June 19 at 1, London, div.—*Edward Buehler*, Cullum-street, merchant, June 19 at half-past 1, London, div.—*Richard Lancaster Swallow*, Nine Elms, Battersea, Surrey, licensed victualler, June 15 at half-past 12, London, div.—*Henry Shuttleworth*, Saffron Walden, Essex, ironmonger, June 19 at 12, London, div.—*George Hutchison*, Palace-row, New-road, timber merchant, June 18 at 12, London, div.—*Geo. Hartshorne* and *Geo. Hartshorne* the younger, Great Dover-street, Southwark, ironmongers, June 19 at 1, London, div.—*Jonathan Hanford Godber*, *Frederick Godber*, and *Julius Wallace Howes*, Eastwood, Nottinghamshire, drapers, June 5 at half-past 10, Nottingham, and ac.; July 10 at half-past 10, div.—*John Maples*, Nottingham, upholsterer, June 5 at 10, Nottingham, and ac.; July 10 at 10, div.—*John Hopkinson*, Nottingham, grocer, June 5 at 10, Nottingham, and ac.; July 10 at 10, div.—*Edward Baker*, Newport, Monmouthshire, carrier, June 14 at 11, Bristol, div.—*Henry Wilson*, Old Swindon, Wiltshire, grocer, June 21 at 11, Bristol, fin. div.—*James Holland* and *Edward Warden*, Preston, tallow chandlers, June 19 (and *not* June 4, as advertised in last Tuesday's Gazette) at 12, Manchester, div.—*Jas. Worrall*, Bolton and Manchester, manufacturer, June 6 at 12, Manchester, div.—*Bartholomew Steel*, Sheffield, glass dealer, June 16 at 10, Sheffield, div.—*Wm. Birks*, Sheffield, brush manufacturer, June 16 at 10, Sheffield, div.—*Henry Swire*, Skipton, and *John Lockwood*, Shipley, Yorkshire, worsted manufacturers, June 26 at 12, Leeds, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Samuel Randall*, Wellingborough, Northamptonshire, shoe manufacturer, June 16 at half-past 12, London.—*Henry Shaw Goodman*, Starch-green, Hammermith, varnish maker, June 16 at half-past 1, London.—*Isaac William Walton*, Haymarket, hotel keeper, June 15 at 11, London.—*Antoni Forrer*, Regent-street, jeweller, June 15 at 12, London.—*John Thynne Carr*, Regent-terrace, City-road, timber merchant, June 18 at 1, London.—*William Attack*, Canning-town, Plaistow-marshes, Essex, engineer, June 18 at 1, London.—*George Harris*,

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## THE JURIST.

LONDON, JUNE 2, 1855.

THE conflict of jurisdiction which prevails between the insolvent courts and the county courts is not only an anomaly in itself, but is also practically unjust in its consequences. The result of the present state of things in this respect is this—a man takes the benefit of the Insolvent Act, whereby, having given up all his property, he is discharged from his debts. Notwithstanding such discharge, however, and that by reason of his property having passed from him he has been rendered incapable of paying any of such debts, a county court judge may commit him for forty days, and so on for successive periods of equal duration, for non-payment of the very debts from which he has been discharged, provided a judgment had been obtained for them in the county court, and this commitment may be in respect of such conduct of the debtor as has already been punished by the sentence of the insolvent court. The jurisdiction of the county court in this respect is exercised under sects. 98 and 99 of the 9 & 10 Vict. c. 95, whereby any party who has obtained any unsatisfied judgment or order in any court held by virtue of this act for the payment of any debt, or damages, or costs, may obtain a summons from any county court, &c., requiring him to appear to answer such things as are named in the summons, and he may be examined touching his estate and effects, and the manner and circumstances under which he contracted the debt or incurred the liability, and as to the means and expectations he then had, and as to the property and means he still has, of discharging the same, and as to the disposal he may have made of any property. If he does not attend pursuant to the summons, and does not allege a sufficient excuse for not attending; or if he attends, and refuse to be sworn or disclose any of the

things aforesaid, or does not answer as to the same to the satisfaction of the judge; or if it shall appear to the judge that in incurring the debt or liability the party has obtained credit from the plaintiff under false pretences, or by means of fraud or breach of trust; or has wilfully contracted such debt or liability without having had at the time a reasonable expectation of being able to pay or discharge the same; or has made any gift, delivery, or transfer of any property, or charged, removed, or concealed the same, with intent to defraud his creditors; or that he had at the time of or since the obtaining of the judgment sufficient means and ability to pay the amount, altogether or by instalments, which the court may have ordered, and he refuses or neglects to pay the same as ordered; he may be committed to the common gaol or house of correction for any period not exceeding forty days.

Now, contrast with these sections those provisions of the Insolvent Act, 1 & 2 Vict. c. 110, relating to the discharge of the insolvent. By sect. 75, after the examination of the prisoner, upon his swearing to the truth of his schedule, and executing a warrant of attorney to enter up judgment, whereby his future effects may be taken in order to satisfy the debts in the schedule, he may be discharged, at such time as may be directed by the Court, from the debts due at the time of the vesting order to the persons named in the schedule, &c. By sect. 76 (the discretionary clause) the Court has power to adjudge him to be discharged at a period not exceeding six months from the making of the vesting order. By sect. 77, if it appear to the Court that the prisoner has fraudulently destroyed or withheld books, &c. relating to his affairs, or kept false books, or with intent of diminishing the sum to be divided among his creditors, or of giving an undue preference, discharged or concealed any debt, or made away with &c. any of his property, his discharge may be deferred for three years. By sect. 78, if it appear that he has contracted any debt fraudulently, or by

means of breach of trust or of *false pretences*, or *without any reasonable or probable expectation* at the time when contracted of paying the same, or caused unnecessary expense by any vexatious or frivolous defence, or that he is indebted for damages recovered in an action for crim. con., or seduction, or breach of promise of marriage, or malicious prosecution, or libel, or slander, or for other malicious injury, or malicious tort, or trespass, his discharge may be deferred for two years. By sect. 88 provision is made for applications to the Insolvent Court in order to take any future effects; and by sect. 90 it is enacted that *no person who shall have become entitled to the benefit of the act shall at any time thereafter be imprisoned by reason of the judgment entered up on the warrant of attorney, or for or by reason of any debt or sum of money or costs with respect to which such person shall have become so entitled, or for or by reason of any judgment, decree, or order for payment of the same; but upon every such arrest the Court from which the process issued may release him from custody.* By sect. 91, after discharge, no writ of *fi. fa.* or *elegit* is to issue on any judgment obtained in respect of any debt from which he has been discharged.

The question, after having excited much controversy in the insolvent and county courts, and having been raised on several occasions in the common-law courts, (*Ex parte Pardy*, 1 Lownd., M., & P. 16; *Still v. Booth*, Id. 440), was brought before the Common Pleas in the case of *Abley v. Dale*, (11 C. B. 378; 15 Jur., part 1, p. 1012; S. C., A.D. 1851). That was an action of trespass for obtaining the committal of the plaintiff by a county court judge under the provisions before referred to, although the plaintiff had been discharged from the debt under the Insolvent Act. The Court held, that there was a discretion to commit, upon the ground that the judgment was an "unsatisfied" one, but said that it was a discretion which should be exercised with extreme caution, and only under very special circumstances. The Court there said—"It certainly does seem to be manifestly unjust to commit, for the non-payment of a particular creditor, a man whose whole property is transferred, by order of a competent court, to an assignee, for the equal benefit of all his creditors. And many may think it absurd that a co-ordinate authority should be given to the insolvent commissioners and the judge of the county court, and that the latter should have power to commit for an act which the commissioner, with the same jurisdiction, may have punished by his remand, or adjudged to be venial by an immediate and absolute discharge—an absurdity which is in no respect diminished by the recent transfer of the jurisdiction of the insolvent commissioners, in certain cases, to the judges of the county courts. But we cannot adopt this rule to the full extent to which it is pressed. If the precise words used are plain and unambiguous, in our judgment we are bound to construe them in their ordinary sense, even though it do lead, in our view of the case, to an absurdity or manifest injustice."

The case of *Abley v. Dale* has been subsequently recognised by the Court of Queen's Bench in *Ex parte Christie*, (24 L. J., Q. B., 144; 1 Jur., N. S., part 1, p. 211), and also in *Ex parte Sumner*, (not yet reported). The latter case was subsequently moved in the Court of Common Pleas, when that Court upheld its former decision in *Abley v. Dale*, and also held that it was not affected by their subsequent decision in *Ex parte Dakins*, (1 Jur., N. S., part 1, p. 378). In the last-named case one of the priests in ordinary of the Chapels Royal was discharged, on the ground of his privilege, from commitment for not appearing to a

county court judge's summons; and several important points relating to proceedings upon habeas corpus were also decided in this case. The practice in the insolvent court is to refuse to discharge the prisoner under the circumstances of *Abley v. Dale*; but we believe they do discharge him if he was committed by the county court while he was in the enjoyment of an order of protection from the insolvent court.

It seems, therefore, that our Courts do not possess the power of remedying this evil; and if so, it is to be hoped that the Legislature will speedily interfere to prevent so unseemly a struggle between two inferior jurisdictions, whereby the liberty of the subject is seriously affected. By the present mode of proceeding it is in the power of county court judges to commit a man for not paying a debt, which he may just have been deprived of the means of paying by the operation of the insolvent laws, and to contravene the well-established rule, that no man shall be punished twice for the same offence.

## NOTES OF THE WEEK.

In *Lake v. Butler* the Court of Queen's Bench (May 22) decided that the twenty miles mentioned in sect. 128 of stat. 9 & 10 Vict. c. 95, (County Court Act), are to be measured in a straight line as the crow flies, and not by the nearest or other road.

**THE BILLS OF EXCHANGE BILL.**—The select committee of the House of Commons on the Bills of Exchange Bill and the Bills of Exchange and Promissory Notes Bill have just reported the minutes of evidence taken before them. The witnesses include Mr. J. Gilman, the Lord Advocate of Scotland, Mr. Park Nelson, and Mr. W. H. Walton. The committee report that they have carefully considered the two bills committed to them, and have determined to proceed with the Bills of Exchange and Promissory Notes Bill, the provisions of which they have carefully considered. The committee were of opinion that it was unadvisable to introduce a new system of procedure if the forms of the English law could be made available for the object in view; and, on hearing the evidence, it appeared to them that summary procedure might easily be introduced into the English law, and that the costs under the Scotch system would not, on the whole, be less than those incurred under English practice. Several divisions took place in the committee. Sir Erskine Perry was voted into the chair by a majority of one over Mr. Walpole; and in the discussion of the details of the bill three divisions occurred, independently of one on the proposition, "That every protest of a notary public of a bill of exchange or promissory note should be received in all proceedings under the act as evidence of the facts therein set forth, in like manner as the protest of foreign bills of exchange is now received as evidence of such facts," which was negatived by a majority of five to three.

## HOUSE OF LORDS.—May 22.

### LIMITED LIABILITY.

In discussing a motion for suspending the standing orders in favour of the Fibre Company's Bill,

The Earl of Derby said he had to complain of the course taken by the Government upon the whole subject of limited liability. A bill was announced to be in preparation last November with regard to the law of partnership, and almost at the commencement of this session he had put a question as to what was the intention of the Board of Trade on the subject. He was then told that it was considered of great importance to settle this question without delay, and that very soon after Easter a bill should be introduced with that object. They had now, however, approached so near to

Whitsuntide that he felt it very doubtful whether a bill would be brought in before their Lordships adjourned for the holidays; and if it were not so introduced, it did not require any great foresight to see that a measure would not be brought forward at all this session.

Lord Overstone said that he saw in bills of this kind the first premonitory symptoms of a great disease which he thought was likely to settle upon this country—he meant the indiscriminate desire for limited liability, without fully considering or understanding the principles upon which that question rested, or what was really conducive to the public interest in this country. The standing order which it was now sought to override was passed by their Lordships in 1824—a period well known to have been characterised by an extraordinary mania for joint-stock speculations, dishonest in their purpose, and dangerous to the community; and the object of this standing order was to protect creditors from speculators who were trading with the capital of other people. He confessed that he heard with satisfaction the assurance of the noble lord who presided over the forms of this House (Lord Redesdale) that he should oppose the suspension of this order, because he believed that, if maintained, it would now present to the people of this country a protection against the same danger as that which led to its establishment in 1824. That danger now assumed the form of asking the Legislature to assent to bills enabling an undertaking to be carried on, not with the capital of those who conducted it, but with the capital of others, and at the same time protecting these speculators from the repayment of that which they borrowed, to the utmost extent of their property. This bill was promoted under the pretence that there was a great demand for an article of essential importance, and that it would be impossible to attempt to supply that demand unless the Legislature enabled capitalists to combine for the purpose of carrying out a certain invention. Now, this was a just ground for legislative interference, provided the persons calling for it came forward in good faith. Great complaints were made that such was the present vicious state of the law of partnership, that capitalists, anxious to enter upon a legitimate speculation, were prevented from doing so. What, however, did they find when they looked at this bill? Why, that the very moment the persons with whom these complaints originated came into contact with the wise and just standing orders of their Lordships' House, which required that speculators, asking to be protected from the full extent of the obligations they might contract, should at all events be called upon to subscribe three-fourths of their capital—the moment they were required to do this, they asked for the suspension of that standing order. Deeply interested as he was in the maintenance of the commercial character of this country, and in the protection of honest creditors against fraudulent debtors, he trusted that a standing order, which he looked upon as involving this high commercial principle, would not be dispensed with by their Lordships.

## FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 206).

### IV.—PROCEDURE—(Continued).

#### Practice.

We now proceed to state the practice of the court.

*At Law.*—The practice under the legal jurisdiction depends partly on the express provisions of the statutes regulating the county court; partly on certain rules made by a committee of county court judges, and sanctioned by a Chief Justice and two other judges of the

superior courts; and partly, where the case is not provided for by the statutes or rules, on the general principles of practice prevailing in the superior courts, which are applied by the judges to the proceedings of the court.

*Varies with Amount of Claim.*—As the practice varies to some extent according to the amount of the claim, it will be convenient to state the course of proceeding—first, where the claim does not exceed 20*l.*; secondly, where it does exceed 20*l.*, but does not exceed 50*l.*; and, thirdly, where the claim is unlimited in amount, or the matter in dispute involves a question not within the ordinary jurisdiction of the court.

#### I.—Where the claim does not exceed 20*l.*

*Plaint.*—The proceedings in these cases commence by the entry of a plaint, which the clerk of the court records in a book kept specially for that purpose. The plaintiff, in order to enter his plaint, states *viva voce* or in writing to the clerk his own name, addition, and residence, and the name, addition, and residence of the defendant, or such other description as will serve to identify him. He then relates the cause of complaint; and if he demand a sum exceeding 40*s.*, he gives one or more copies of the particulars of his claim, according to the number of the defendants, besides one copy which is to be filed by the clerk. The proper fees for issuing and serving the summons must be paid at the time of entering the plaint.

*Summons.*—A summons, stating in short and popular language the substance of the cause of action, (with particulars where required attached), is issued to the defendant, commanding him to appear at a court, at least ten clear days after the service of the summons, to answer the plaintiff in the matter of dispute.

*Service—In Home District—In Foreign District.*—This process must be served by the high bailiff of the court or his assistant personally, or in some other way from which it may reasonably be inferred that it has come to the knowledge of the defendant in due time before the holding of the court. If the defendant reside in a foreign district, the process is transmitted by the clerk of the home court to the high bailiff of the foreign court, together with a statement of the proper amount of the fees for service in the foreign district, and which have already been paid at the home court. On production of this document he will, at the end of the quarter, be entitled to receive from the treasurer the amount of those fees. The object of thus withholding the immediate payment of the fees is, that if due diligence have not been used in serving the process, the officer may be deprived of his fees by the treasurer, at the instance of the judge of the home court.

*Confession of Claim.*—If the defendant think proper, he may, at this stage of the proceedings, enter with the clerk a confession of the claim, and on it the judge may, on the hearing day, pronounce judgment in the same manner as if he had tried the cause; or both parties may agree on the terms on which the cause shall be settled, and on due proof of such agreement before the clerk he may enter judgment in conformity with it, and the judgment may be enforced in the same manner as one pronounced by the judge.

*Arbitration.*—At this period, or subsequently, the cause may, with the consent of the parties, be referred to arbitration, by order of the judge, and the award afterwards entered as the judgment in the cause. Proper powers of supervising the proceedings of the arbitration are conferred on the judge.

*Defence.*—If the defendant intend to deny the plaintiff's claim, or to insist on any objection other than one or all of the six special defences hereafter mentioned, it is not necessary for him to give notice of his intention so to do; but he may, at the hearing day, compel the

plaintiff to prove his case, may produce evidence in answer, and take such objections in point of law as he thinks available. It is competent for him to pay into court such sum of money as he thinks proper in satisfaction of the plaintiff's demand, together with a proportionate amount of fees of court down to the time of making the payment. If his defence be a tender, he need give no previous notice of it, but may avail himself of it at the hearing, on paying into court, without costs, the sum alleged to have been tendered. If, however, his defence be founded totally or partially on a set-off, infancy, coverture, a statute of limitation, bankruptcy, or insolvency, he must give five clear days' notice of that defence. Subject to this rule, it is competent for him to avail himself, at the hearing, of any defence, whether it traverses, or confesses and avoids, the plaintiff's case. No further pleading or notice is necessary, nor is there any formal joinder of issue.

**Jury.**—If either party be desirous of having the cause heard before the judge, assisted by a jury, he may claim that privilege as a matter of right where the claim exceeds 5*l.*; and by permission of the judge, where it does not exceed that sum, a jury may be summoned. The jury consists of five persons, who must give a unanimous verdict. Two clear days' notice of requiring a jury must be served on the clerk, and 5*s.* deposited with him to pay the jury. The jurymen are selected by the clerk from a list of qualified persons resident within the district, and that list is supplied to him by the sheriff or other proper officer. With few exceptions, however, the cause is tried by the judge without a jury.

**Appearance.**—On the appearance day, the defendant either appears or makes default. We will consider the practice—first, where both parties appear; secondly, where neither appears; and, thirdly, where only one party appears.

1. **Where both Parties appear.—Judgment.**—If both parties appear, the judge, either without or with a jury, as the case may be, proceeds to hear the cause. Considerable powers of amendment are possessed by him, but the plaintiff is confined to the cause of action stated in the summons. If it appear desirable to the judge, he is at liberty to grant time to either party to proceed in the prosecution or defence of the suit, or to adjourn the further hearing of the cause to any subsequent time. It is competent for the judge to nonsuit the plaintiff on sufficient grounds. When the case on both sides is closed, the judge, if unassisted by a jury, decides both on facts and law; if assisted by a jury, he directs them in point of law, and they decide on the facts. Judgment is then given for the plaintiff or defendant, and entered on the minutes of the court. The judge also directs the mode of payment of the sum for which judgment is given, and an order is drawn up in conformity with that direction. The order generally requires the unsuccessful party to pay the amount of the judgment either at once or by instalments into court. The judge has power to direct the payment to be made to the successful party. This, however, is very rarely exercised, and, having regard to the other arrangements of the court, would be inconvenient. A copy of this order is served on the unsuccessful party by post, but proof of its having reached him is not a condition precedent to issuing execution in case of non-payment. The object of the order is, that the party may know specifically what and when he is required to pay. A very large majority of orders are for payment by instalments.

**Costs.**—The costs abide the event, unless the judge otherwise orders. This, however, does not apply to costs for professional assistance.

**New Trial.**—Should either party be dissatisfied with the judgment, he may, within a limited time fixed by

the practice of the court, move for a new trial. This the judge may grant or refuse at his discretion.

2. **Where neither Party appears.**—If at the hearing day neither party appears, the cause is struck out of the list.

3. **Where only one Party appears.—Plaintiff.**—If the plaintiff only appears, proof is given of the service of the process on the defendant; and if no satisfactory reason be assigned for the defendant's absence, the judge may proceed to hear the cause *ex parte*, and pronounce judgment accordingly. On sufficient cause shewn, he may afterwards grant a new trial.

**Defendant.**—If the defendant only appears, but does not admit the demand, the judge may award him his costs. If, however, he does admit the demand, and pays the proper fees of court, judgment may be given for the plaintiff in the same manner as if the plaintiff had appeared.

**Power to adjourn.**—If at any time in the course of the proceedings it appears desirable to adjourn them, the judge is at liberty to do so.

**Execution.**—The judgment may be enforced by execution against the goods, or, in certain cases hereafter mentioned, by the commitment of the defaulting party for a period of forty or any less number of days. The adoption of one of these proceedings does not prevent the creditor from having recourse to the other. The judgment, however, cannot be made available against land.

**Goods.**—Under the warrant of execution the high bailiff is empowered to seize all the goods and chattels of the judgment debtor, except his wearing apparel and bedding, tools, and implements of trade, to the value in the whole of 5*l.* The goods cannot be sold without appraisement, and until after the lapse of five days from the time of seizure, unless of a perishable nature, or the defendant make a written request for an earlier sale. The high bailiff may also seize money, bank notes, cheques, or securities for money belonging to the debtor, and may hold any such securities in order to satisfy the judgment; and the creditor may sue in the name of the debtor on such securities. The proceeds realised under the execution are paid by the high bailiff into court, after deducting certain charges for appraisement and possession.

**Foreign District.**—If the defendant's goods are in a foreign district, the warrant is transmitted to the clerk of the foreign court, together with a statement of the bailiff's fees on the execution. This warrant is then sealed with the seal of the foreign court, and issued to the high bailiff of that district. The proceeds realised there by the execution are paid into the foreign court. The clerk then transmits a particular of the execution to the clerk of the home court, debiting himself with the sum received under the execution. On application to the clerk of the home court, he pays to the execution creditor the sum with which the clerk of the foreign court has debited himself. This payment is afterwards allowed him in his accounts by the treasurer at the audit. By this means the inconvenience and risk of transmitting money from one part of the kingdom to the other is avoided.

**Landlord's Claim to Rent.**—If, when the bailiff levies, he receives notice from the landlord of rent in arrear, he must give preference to that claim to a certain amount, limited by the period of letting, but in no case exceeding one year's rent, and may then levy on the residue for the judgment debt.

**Interpleader.**—Should any claim be made by third parties on the goods seized, the bailiff can compel the execution creditor and the claimant to interplead, and the court may dispose of the matter in dispute.

(To be continued).



Chichester, grocer, June 19 at 12, London.—*Charles Abbott*, James-street, Long-acre, licensed victualler, June 18 at 2, London.—*Benjamin Newton*, Brighton, brush manufacturer, June 18 at 2, London.—*Sylvester Lewis Samuel*, Liverpool, watch manufacturer, June 19 at 11, Liverpool.—*John Biggam*, Liverpool, ship owner, June 15 at 11, Liverpool.—*John Hughes*, Torteth-park, Lancashire, joiner, June 18 at 11, Liverpool.—*William Birks*, Sheffield, brush manufacturer, June 16 at 10, Sheffield.—*Thomas Walker*, Edminstowe, Nottinghamshire, licensed victualler, June 16 at 10, Sheffield.—*Lake Jagger*, Huddersfield, woollen cloth manufacturer, July 23 at 11, Leeds.—*James Smith* and *John Holmes*, Denholme, Bradford, worsted manufacturers, June 18 at 11, Leeds.—*Gabriel Webster*, Dewsbury, Yorkshire, plumber, June 18 at 1, Leeds.—*James King*, Birmingham, licensed victualler, June 21 at half-past 10, Birmingham.—*James Jones*, Birmingham, tailor, June 21 at half-past 11, Birmingham.—*Edw. Spencer*, Coventry, builder, June 18 at 10, Birmingham.

To be granted, unless an Appeal be duly entered.

*Charles James Chealley Elkington*, Hall-street, City-road, electro plate manufacturer.—*George Major*, Swindon, Wiltshire, builder.—*William Gillard* the elder, Catherine-street, Strand, and Thornhill-square, Islington, dealer in oils.—*Llewellyn Wallington*, Bridgend, Glamorganshire, grocer.

#### PETITION ANNULLLED.

*John Appleton*, Sommerford-grove, Stoke Newington-road, dealer in flour.

#### TUESDAY, May 20.

##### BANKRUPTS.

**GEORGE SMITH STREDDER**, Lancelot-place, Trevor-square, Knightsbridge, builder, June 8 at 2, and July 13 at 1, London: Off. Ass. Whitmore; Sols. Richardson & Wansley, 3, Moorgate-street.—Pet. f. May 26.

**HENRY COX**, Reading, dealer and chapman, June 7 at 11, and July 12 at 12, London: Off. Ass. Johnson; Sols. Howard & Dollman, 141, Fenchurch-street.—Pet. f. May 24.

**JOSEPH DOUGLAS**, Sumner-terrace, Brompton, dealer and chapman, June 12 at 2, and July 10 at 12, London: Off. Ass. Edwards; Sols. Mardon & Prichard, 99, Newgate-street.—Pet. f. May 28.

**CHARLES MASSINGHAM**, Birmingham, dealer and chapman, June 6 and July 9 at half-past 10, Birmingham: Off. Ass. Bittleston; Sols. Sutton, Birmingham; Hodgson, Birmingham.—Pet. d. May 17.

**WILLIAM BUTCHER**, Lichfield, Staffordshire, coach-builder, June 11 and July 4 at half-past 10, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham.—Pet. d. May 23.

**PEREGRINE JOYCE**, Worcester, dealer and chapman, June 8 and July 7, Birmingham: Off. Ass. Whitmore; Sol. Bartleet, Birmingham.—Pet. d. May 26.

**JOHN MCCARTHY**, Aston, near Birmingham, dealer and chapman, June 13 and July 4 at half-past 10, Birmingham: Off. Ass. Whitmore; Sol. Hodgson, Birmingham.—Pet. d. May 25.

**SAMUEL WARREN**, Gloucester, dealer and chapman, June 12 and July 10 at 11, Bristol: Off. Ass. Acraman; Sol. Smallbridge, Gloucester.—Pet. f. May 26.

**THOMAS HAKE**, Exeter, furrier, June 8 and July 5 at 1, Exeter: Off. Ass. Hirtzel; Sols. Stogdon, Exeter; Reed & Co., Friday-street.—Pet. f. May 26.

**JOHN CHRISTIE**, Accrington, Lancashire, dealer and chapman, June 15 and July 6 at 12, Manchester: Off. Ass. Hernaman; Sol. Slater, Manchester.—Pet. f. May 24.

**BENJAMIN GREGORY**, Sheffield, builder, June 9 and 30 at 10, Sheffield: Off. Ass. Brewin; Sol. Fennell, Sheffield.—Pet. d. and f. May 18.

#### MEETINGS.

*Anthony G. W. Biddulph*, *John Wright*, *Henry Robinson*, and *Edmund William Jerningham*, Henrietta-street, Covent-garden, bankers, June 22 at 11, London, pr. d. sep. est. of *Edmund William Jerningham*.—*Thomas Wright Lawford*, Tivydall, Carmarthenshire, market gardener, June 19 at 11, Bristol, pr. d.—*William Aspin* and *Augustus William Ord*, Gateshead-on-Tyne, and New Wharf, Little Abingdon-street, Westminster, cement manufacturers, June 13 at 11, Newcastle-upon-Tyne, last ex.—*James Speller*, High-street, Wapping, ship chandler, June 11 at 12, London, and. ac.—*Wm. Barridge*, Stainsby-road, East India-road, Limehouse, builder,

June 9 at 11, London, and. ac.—*Henry Fowler*, Southampton, corn factor, June 9 at 11, London, and. ac.; June 21 at 11, div.—*Edward Burnell*, Houndsditch, and Skinner's-place, Leadenhall-market, baker, June 9 at half-past 1, London, and. ac.—*Samuel Randall*, Wellingborough, Northamptonshire, shoe manufacturer, June 9 at 11, London, and. ac.; June 22 at 11, div.—*George Ward Gilbert*, Hammersmith, licensed victualler, June 9 at 11, London, and. ac.; June 21 at 11, div.—*Wm. Close Currie*, Moorgate-street, merchant, June 9 at half-past 1, London, and. ac.—*Thomas Mellor* and *Samuel Eason*, Liverpool, merchants, June 11 at 11, Liverpool, and. ac., and June 20 at 11, div., sep. est. of *Samuel Eason*, and div. joint est.—*Henry Ludlam* and *Joseph Reaney*, Sheffield, ironmongers, June 9 at 10, Sheffield, and. ac. joint and sep. ests.—*Ralph Cross*, Bridlington, Yorkshire, chemist, June 27 at 12, Kingston-upon-Hull, and. ac. and div.—*Charles Henry Holgate*, Kirtton, Lindsey, Lincolnshire, scrivener, June 20 at 12, Kingston-upon-Hull, and. ac.—*Erza J. Coates* and *John Hillard*, Bread-street, Cheapside, Manchester, and Leicester, England, and New York, America, merchants, June 21 at half-past 11, London, div.—*David Nutt*, Stratford Green, Essex, merchant, June 21 at half-past 11, London, div.—*Thomas Shenton*, Bethnal-green-road, grocer, June 19 at half-past 1, London, div.—*Joseph Bailey Millington*, Marlborough-place, Harrow-road, Paddington, builder, June 21 at half-past 11, London, div.—*Thomas Selby* and *Silas Norton*, Town Malling, Kent, scriveners, June 22 at 12, London, div.—*Wm. Pickering*, Piccadilly, bookseller, June 22 at 1, London, div.—*William John Reeve*, Beaufort-buildings, Strand, coal merchant, June 22 at 11, London, div.—*Alexander Kirkaldy*, Fenchurch-street, stationer, June 22 at 12, London, div.—*Meyer Jacobs*, Steward-st., Spitalfields, warehouseman, June 22 at 12, London, div.—*Wm. Wilkins*, Aylesbury-street, Clerkenwell, licensed victualler, June 22 at 1, London, div.—*George Hall*, Brighton, upholsterer, June 22 at 11, London, div.—*Harry Winton*, *Harry John L. Winton*, and *Edwin William Winton*, Birmingham, agricultural implement makers, June 23 at 11, Birmingham, div. sep. ests. of *Harry John L. Winton* and *Edwin William Winton*.—*James Ellis*, Birmingham, fender manufacturer, June 23 at 11, Birmingham, div.—*John Frater*, Manchester, brewer, June 20 at 12, Manchester, div.—*Wm. French*, Bedlington, Durham, brewer, June 19 at 11, Newcastle-upon-Tyne, div.—*John Fry Reeves*, *John Frederick Reeves*, *Orlando Reeves*, and *Archibald Reeves*, Taunton, scriveners, June 20 at 1, Exeter, div. sep. est. of *Archibald Reeves*.—*Wm. D. Francis*, Bridgewater, plumber, June 20 at 1, Exeter, div.—*James G. Fitze*, Exeter, bookseller, June 20 at 1, Exeter, div.—*Hugh Talbot* and *Hugh P. Talbot*, Sidmouth, Devonshire, druggists, June 20 at 1, Exeter, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Isaac Unwin*, Poland-street, Oxford-street, builder, June 21 at half-past 11, London.—*W. Wrenn*, Penge, Surrey, grazier, June 21 at 11, London.—*James Underwood*, Epsom, victualler, June 21 at half-past 11, London.—*James Pyper*, Holborn-hill, carver and glider, June 22 at 2, London.—*William Aspin* the younger, Morgan's-lane, Tooley-street, Southwark, carrier, June 22 at 11, London.—*Thomas Bell*, Jarrow, Durham, alkali manufacturer, June 20 at 11, Newcastle-upon-Tyne.—*James Miners*, Redruth, Cornwall, grocer, June 21 at 1, Exeter.—*Patrick Shanley*, Manchester, shoe dealer, June 19 at 12, Manchester.—*D. Norbury*, Alderley, Cheshire, butcher, June 19 at 12, Manchester.—*Thomas Hall*, Oldham, Lancashire, bobbin manufacturer, June 20 at 12, Manchester.—*John Moseley*, Macclesfield, saddler, June 21 at 12, Manchester.—*Thos. Holder*, Macclesfield, silk throwster, June 21 at 12, Manchester.—*James Grant*, Birmingham, tailor, June 21 at half-past 10, Birmingham.—*J. Hopkinson*, Nottingham, grocer, July 10 at 10, Nottingham.—*John Fox*, Ashbourne, Derbyshire, scrivener, July 31 at 10, Nottingham.—*Wm. H. Osborn*, Leicester, wine merchant, July 10 at 10, Nottingham.

To be granted, unless an appeal be duly entered.

*George Elston*, Crediton, Devonshire, shoemaker.—*James Johnson*, Macclesfield, silk dyer.—*George Simpson*, Church Fenton, Yorkshire, chicory merchant.—*Thomas Brown*, Bradford, grocer.—*Robert Rimmer*, Tenbury, Worcestershire, publican.—*Francis Behrens*, Birmingham, general merchant.

#### PETITION ANNULLLED.

*John Hoskin*, Blackburn, currier.



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On Wednesday, the 13th day of June, 1855.

THE RIGHT HON. LORD JUSTICE TURNER IN THE CHAIR.

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DINNER ON TABLE AT SIX O'CLOCK PRECISELY.

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Ticket, One Guinea.

Freemasons' Tavern, May, 1855.

17, Montague-street, Portman-square.—A capital Leasehold Family Residence, overlooking the Gardens of Montague-house, with Coach-house and Stabling at the rear, with possession; also Ten Paid-up Shares in the Polytechnic Institution.

**MESSRS. FAREBROTHER, CLARK, and LYE** have received instructions to SELL, at Garraway's, on Wednesday, June 13, at 12, a capital FAMILY RESIDENCE, in the fashionable locality of Portman-square, being No. 17, Montague-street, and overlooking the pleasure grounds of Montague-house. The residence is well built and finished, has extensive frontage, and inclosed portico entrance, and contains, on the upper floor, five good bed-rooms; on the second floor, three principal bed-chambers; on the first floor, a noble drawing-room, communicating with a smaller drawing-room; on the ground floor, capital dining-room, library, waiting-room, entrance and inner halls, stone staircase, and a second staircase, lobby, water-closet, and bath-room; basement, kitchen, pantry, housekeeper's room, wine-cellar, beer-cellar, coal-vaults, scullery, and wash-house, water-closets, back area leading to a three-stall stable and coach-house, with rooms over, in Montague-mews. A well of fine spring water. Possession will be given on completion of the purchase. The annual value being 220*l.* per annum. Held on lease for the unexpired term of about 45 years, at a ground-rent of 25*l.* per annum. Also ten paid-up shares in the Polytechnic Institution, conferring a right of free admission.

May be viewed by cards only, to be had of Messrs. Farebrother, Clark, and Lye, of whom particulars may also be had; of Messrs. White-side and Smith, solicitors, 63, Lincoln's-inn-fields; of Geo. Smith, Esq., Mercers'-hall; and at Garraway's.

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**LAW LIFE ASSURANCE OFFICE, Fleet-street, London, 21st May, 1855.**—Notice is hereby given, that in conformity with the provisions of the Deed of Settlement, a GENERAL MEETING of PROPRIETORS will be held at the SOCIETY'S OFFICE, Fleet-street, London, on SATURDAY, the 23rd day of JUNE next, at TWELVE o'clock at noon precisely, to ELECT a DIRECTOR in lieu of John Parkinson, Esq., deceased; to ELECT five other DIRECTORS and one AUDITOR, when those who go out of office by rotation will be proposed for re-election; and also for general purposes. The Director to be chosen in the room of John Parkinson, Esq., will remain in office until the 24th day of June, 1855.

By order of the Directors,

WILLIAM SAMUEL DOWNES, Actuary.

**LAW LIFE ASSURANCE SOCIETY, Fleet-street, London, 10th May, 1855.**—Notice is hereby given, that a SPECIAL GENERAL MEETING of the Proprietors of this Society will be held at the Office, Fleet-street, London, on FRIDAY, the 8th day of JUNE next, at TWELVE o'clock at noon precisely, for the purpose of declaring a Division of the Surplus of the Assurance Fund of the Society in respect of the seven years ending on the 31st of December last.

And notice is hereby further given, that a Second Special General Meeting will be held, at the like hour and place, on the following Friday, the 15th day of June, for the purpose of confirming the resolution which shall have been agreed to at such first meeting, in pursuance of the provisions contained in the Deed of Settlement.

And notice is hereby further given, that any person who shall have been assured by the Society for two whole years may, on the production of his policy and of the last receipt for the premium thereon, be present at such meeting.

At each of the said meetings the chair will be taken at TWELVE o'clock precisely.

By order of the Directors,

WILLIAM SAMUEL DOWNES, Actuary.

Printed by HENRY HANSARD, at his Printing Office, in Parker Street, in the Parish of St. Giles-in-the-Fields, in the County of Middlesex; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, residing at No. 34, Porchester Terrace, Baywater, in the County of Middlesex.—Saturday, June 2, 1855.

# The Jurist

No. 22, NEW SERIES.—Vol. I.  
No. 961, OLD SERIES.—Vol. XIX.

JUNE 9, 1855.

PRICE 1s.

In the preferable part of the Strand, near to Somerset-house.—Capital Freehold Estate, let on lease to Mr. Eve at 153l. per annum.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed to **SELL**, at Garraway's, on Tuesday, June 12 at 12, a very valuable **FREEHOLD ESTATE**, situate on the south side of the Strand, in the parish of St. Clement Danes, consisting of a residence and shop, No. 145 A, let on lease for 21 years from 1834 to Mr. Eve, tea-cater and grocer, a highly respectable tenant, subject to a yearly rent of 150l. and 3d. in lieu of land tax.

May be viewed by permission of the tenant, and particulars had, ten days prior to the sale, of Frederick Farrar, Esq., solicitor, 19, Goddard-street, Doctors' Commons; at Garraway's; and of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

Very valuable Freehold Estates, Strand and Temple-bar, producing about 690l. per annum, part of the estates of the late William Payne, Esq.

**MESSRS. FAREBROTHER, CLARK, and LYE** are directed by the Executors to **SELL** by **AUCTION**, at Garraway's, on Tuesday, June 12, at 12 o'clock, in lots, the following very valuable **FREEHOLD ESTATES**, viz.:—The New Barn public-house and wine-vaults, in St. Clement's churchyard, in the Strand, let on lease, expiring 1856, at 150l. per annum. Nos. 7, 8, 9, 13, 14, 15, and 16, Great Shire-lane, and Nos. 1, 2, and 3, Brick-court, on leases and agreements, at rents amounting to 170l. per annum. No. 37, Bell-yard, Temple-bar, let on lease to Mr. W. Stevens, as a printing office, at 65l. per annum; and 39, Bell-yard, Temple-bar, let on lease to Messrs. Richard Stevens and G. B. Norton, at 65l. per annum. The dwelling-house and printing-offices, 38, Bell-yard, and 10, Great Shire-lane, in the occupation of Messrs. Roworth and Sons, at 171l. per annum, and ground in the rear of 41 and 42, Bell-yard. The properties may be viewed by permission of the respective tenants.

Particulars are now ready, and may be had of Edward Jennings, Esq., solicitor, 9, Chancery-lane; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

**Hammer-smith.**—Very valuable Copyhold Estates, producing about 160l. per annum, part of the Estates of the late William Payne, Esq.

**MESSRS. FAREBROTHER, CLARK, and LYE** are directed by the Executors to **SELL** by **AUCTION**, at Garraway's, on Tuesday, June 12, at 12, in lots, a very valuable **COPYHOLD ESTATE**, situate in the High-street, Hammer-smith, near the Broadway, comprising three capital Houses and Shops, with large gardens, in the occupations of Mr. Lacey, grocer, and Mr. Barker, upholsterer, at rents amounting to 133l. 10s. per annum; also a very valuable piece of Copyhold Ground, now used as a market garden, in the rear of the foregoing, and having frontage to, and entrance from, Great Church-lane, adapted for building purposes. The property is copyhold of the Manor of Fulham, subject to a quit-rent of 2s. per annum, and the land-tax is redeemed.

May be viewed by permission of the tenants, and particulars had of Edward Jennings, Esq., solicitor, 9, Chancery-lane; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

**Essex.**—In the parish of Magdalen Laver, easy distances from Harlow, and the capital Market Towns of Epping, Bishop Stortford, and Ongar, very desirable and compact Freehold Estate, called Spencer's Farm, with upwards of 186 acres of productive Land.

**MESSRS. FAREBROTHER, CLARK, and LYE** have received instructions to **SELL** by **AUCTION**, at Garraway's, on Wednesday, June 13, at 12, a very desirable **FREEHOLD ESTATE**, called Spencer's Farm, land-tax redeemed, partly adjoining the high road from Epping to Harlow, six miles from the former, five from the latter, and six and eight miles respectively from the capital market towns of Ongar and Bishop Stortford; comprising a capital farm-house, garden, warm yards, all suitable and well-arranged agricultural buildings, and 126A. 1s. 30p. of productive arable and pasture land, lying within a ring fence. The lands are in a high state of cultivation, the pastures are bounded by a stream, and lie well for irrigation. There are several ponds on the property, and it has been in the occupation for upwards of twenty years of the late Mr. John Larter, a highly-respectable and intelligent farmer, and now of his executors.

May be viewed, and particulars, with plans, had at the farm; at the George and Green Man Inns, Harlow; Cock, Epping; Crown, Ongar; White Lion, Sawbridgeworth; the George, Bishop Stortford; of Mr. R. P. Browne, land agent, Great Hallingbury; and in London, of Messrs. Denton, Kinderley, Donville, and Lawrence, 6, New-square, Lincoln's-inn; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

Albury, Herts, five miles from the Railway at Bishop Stortford.—Freehold and small part Copyhold Farm, called "Piggott's," the Fox Public-house, and sundry Inclosures of detached Lands; the whole containing 196 acres.

**MESSRS. FAREBROTHER, CLARK, and LYE** are instructed by the Trustees to **SELL** by **AUCTION**, at Garraway's, on Wednesday, June 13, at 12, in seven lots, the following

very valuable **FREEHOLD ESTATES**, situate about five miles from the Railway Station at Bishop Stortford, ten from Ware, twelve from Hertford, and adjoining the Kennel of the Puckeridge Hounds, in the parishes of Albury, Little Hadham, and Braughing, viz.:—Piggott's Farm, comprising a comfortable farm-house, (suitable for a hunting box), good garden, orchard, warm farm-yard, with extensive stabling, wheat, oat, and barley barns, cow-houses, cattle and cart sheds, and 183 acres of productive arable and pasture land, lying very compact, chiefly under-drained, and partly tithe-free. The Fox licensed public-house, adjoining the high road, with offices and gardens. A plot of detached Arable Land, situate in Molly Chips Common. Two Inclosures in Parsonage Common, near Parsonage Farm, and abutting on Albury Park. A plot of Arable Land, situate in Ham's Common; and a very valuable inclosure of Land, abutting on the road from Little Hadham to Standon, and adjoining the lands of the Marquis of Salisbury and Mr. Chapman, known as Priory Leys. The whole estate comprises about 196 acres, and is in the occupation of Mr. Peter Sullens, a most respectable tenant, on lease, which will expire on the 29th September, 1857, at the very low rent of 185l. per annum.

May be viewed, and particulars, with plans, had of the tenant; at the Fox, on the estate; George, Bishop Stortford; Saracen's Head, Ware; Salisbury Arms, Hertford; and in London, of D. S. Bocket, Esq., solicitor, 60, Lincoln's-inn-fields; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, 6, Lancaster-place, Strand.

Islington, close to the Parish Church, in the High-street, and extending behind the Upper-terrace.—Highly valuable and important Building Land, comprising about Three Acres, and Blacksmith's Shop, &c.

**MESSRS. FAREBROTHER, CLARK, and LYE** have received instructions to **SELL** by **AUCTION**, at Garraway's, on Wednesday, June 13, at 12, in lots, a highly valuable and important **PROPERTY**, comprising about three acres of building land, and the only uncovered land so close to the metropolis, situate abutting on the High-street, Islington, to which there is a frontage of 300 feet, extending in the rear behind Upper-terrace, and close to the parish church. The property is copyhold of the manor of Canonbury, subject to a trifling quit-rent, and a fine on death or alienation of 6s. 8d. per house, or 6s. 8d. per acre for land; so is equal in value to freehold, and the cost of enfranchisement would be nearly nominal. There is a lease upon the property, which has six years and three quarters to run; consequently the reversion after the expiration of that lease is intended only to be sold.

The plans published with the particulars will shew the great capabilities of the property for building purposes, and both may be had, 21 days prior to the sale, at the Angel, Islington; of Messrs. Whiteside and Smith, solicitors, Lincoln's-inn-fields; of Mr. George Smith, architect, Mercer's-hall; at Garraway's; and at the offices of Messrs. Farebrother, Clark, and Lye, Lancaster-place, Strand.

17, Montague-street, Portman-square.—A capital Leasehold Family Residence, overlooking the Gardens of Montague-house, with Coach-house and Stabling at the rear, with possession; also Ten Paid-up Shares in the Polytechnic Institution.

**MESSRS. FAREBROTHER, CLARK, and LYE** have received instructions to **SELL**, at Garraway's, on Wednesday, June 13, at 12, a capital **FAMILY RESIDENCE**, in the fashionable locality of Portman-square, being No. 17, Montague-street, and overlooking the pleasure grounds of Montague-house. The residence is well built and finished, has extensive frontage, and inclosed portico entrance, and contains, on the upper floor, five good bed-rooms; on the second floor, three principal bed-chambers; on the first floor, a noble drawing-room, communicating with a smaller drawing-room; on the ground floor, capital dining-room, library, waiting-room, entrance and inner halls, stone staircase, and a second staircase, lobby, water-closet, and bath-room; basement, kitchen, pantry, housekeeper's room, wine-cellar, beer-cellar, coal-vaults, scullery, and wash-house, water-closets, back area leading to a three-stall stable and coach-house, with rooms over, in Montague-mews. A well of fine spring water. Possession will be given on completion of the purchase. The annual value being 220l. per annum. Held on lease for the unexpired term of about 45 years, at a ground-rent of 25l. per annum. Also ten paid-up shares in the Polytechnic Institution, conferring a right of free admission.

May be viewed by cards only, to be had of Messrs. Farebrother, Clark, and Lye, of whom particulars may also be had; of Messrs. Whiteside and Smith, solicitors, 63, Lincoln's-inn-fields; of Geo. Smith, Esq., Mercer's-hall; and at Garraway's.

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WSPA



## GAZETTES.—FRIDAY, June 1.

## BANKRUPTS.

**FRANCIS BUTTER**, Berkeley-street, Clerkenwell, and High-street, Islington, baker, June 12 at half-past 2, and July 17 at 12, London: Off. Ass. Lee; Sols. J. & T. Gole, 49, Lime-street, London.—Pet. f. May 23.

**WILLIAM SKIPP PEEBLES**, East Dereham, Norfolk, builder, June 11 at half-past 1, and July 10 at 12, London: Off. Ass. Stansfeld; Sol. H. A. Reed, 11, Ironmonger-lane, City.—Pet. f. May 29.

**WALTER BRETTELL**, Little Marlborough-street, Regent-street, dealer and chapman, June 8 at half-past 11, and July 12 at half-past 1, London: Off. Ass. Bell; Sols. Laurance & Co., Old Jewry-chambers.—Pet. f. May 29.

**ROBERT BLACKLOCK and DOUGLAS BLACKLOCK**, New-road, Whitechapel, dealers and chapmen, June 8 at 12, and July 12 at 1, London: Off. Ass. Johnson; Sols. Emmet & Son, 14, Bloomsbury-square; Wavell & Co., Halifax; Rawson & Co., Bradford.—Pet. f. May 17.

**JAMES SMITH**, Philpot-lane, London, tea-dealer, June 14 at 11, and July 12 at 2, London: Off. Ass. Bell; Sols. Laurance & Co., Old Jewry-chambers.—Pet. f. May 24.

**THOMAS LOARING COOMBE**, Lambeth-walk, Surrey, dealer and chapman, June 8 at 11, and July 12 at half-past 12, London: Off. Ass. Bell; Sols. Phillips & Sons, 11 Abchurch-lane.—Pet. f. May 26.

**THOMAS FEMLETT BROWN**, Woolwich, dealer and chapman, June 8 and July 13 at 12, London: Off. Ass. Cannan; Sols. J. F. & H. Baddeley, 48, Leman-street, Goodman's-fields.—Pet. f. May 17.

**GEORGE JOHN HUMPHREYS**, Crown-court, Old Broad-street, dealer and chapman, June 15 at 1, and July 13 at half-past 1, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, 17, Sise-lane.—Pet. f. May 30.

**GEORGE GENT**, South-row, New-road, St. Pancras, grocer, June 9 at half-past 1, and July 14 at 12, London: Off. Ass. Nicholson; Sols. Willan & Stephenson, 36, Bedford-row; Pywell & Co., Northampton.—Pet. f. May 30.

**THOMAS ROUTLEDGE and JOSEPH ROUTLEDGE**, Commercial-road, Lambeth, dealers and chapmen, June 8 at 1, and July 21 at 2, London: Off. Ass. Pennell; Sols. Sole & Co., 68, Aldermanbury.—Pet. f. May 30.

**PEREGRINE JOYCE**, Worcester, commission agent, June 8 and July 7 at 11, Birmingham: Off. Ass. Whitmore; Sol. Bartlett, Birmingham.—Pet. d. May 26.

**JOHN PARKINSON the elder and JOHN PARKINSON the younger**, Leicester, hosiers, June 12 and July 17 at 10, Nottingham: Off. Ass. Harris; Sols. Stone & Paget, Leicester; James, Birmingham.—Pet. d. May 22.

**THOMAS DAVIES**, Narbeth, Pembroke-shire, leather dealer, June 12 and July 10 at 11, Bristol: Off. Ass. Acraman; Sols. Brooke & Co., Bristol.—Pet. f. May 16.

**JOHN LUPTON**, Bradford, innkeeper, June 19 at 1, and July 23 at 12, Leeds: Off. Ass. Hope; Sols. Duckit, Bradford; Bond & Barwick, Leeds.—Pet. d. May 28.

**JOHN LEAKE**, Ramsden, Kirkburton, Yorkshire, dealer and chapman, June 15 and July 20 at 11, Leeds: Off. Ass. Young; Sols. Clough, Huddersfield; Bond & Barwick, Leeds.—Pet. f. May 24.

**JAMES MEADOWS and RICHARD EDWIN BIBBY**, Manchester, dealers and chapmen, (under the style or firm of Meadows & Bibby), June 12 and July 3 at 12, Manchester: Off. Ass. Pott; Sol. Trappes, Manchester.—Pet. f. May 19.

## MEETINGS.

*Louis Diespecker*, Little Moorfields, dealer in fancy articles, June 19 at 2, London, last ex.—*Wm. P. Hammond*, Scott's-yard, Bush-lane, shipowner, June 12 at 12, London, last ex.—*James Speller*, High-street, Wapping, sail maker, June 12 at half-past 12, London, last ex.—*R. Monti*, Great Marlborough-street, and Princes-street, Hanover-square, sculptor, June 13 at 12, London, last ex.—*George C. Long*, Dartford, draper, June 12 at 1, London, last ex.—*George Rich*, Leigh, Lancashire, joiner, June 13 at 12, Manchester, last ex.—*Thomas Marsden and John Clayton*, Wardle, Rochdale, cotton manufacturers, June 21 at 12, Manchester, last ex. of *Thomas Marsden*.—*C. Pennington*, Manchester, builder, June 22 at 12, Manchester, last ex.—*James Woolley*, Manchester, coach builder, June 14 at 12, Manchester, last ex.—*G. C. Stewart*, Hackney-road, draper, June 13 at 12, London, aud. ac.—*W.*

*Cornish*, Great Tharlow, Suffolk, grocer, June 12 at half-past 11, London, aud. ac.—*Thomas Salmon*, Kettering, Northamptonshire, ironmonger, June 13 at 12, London, aud. ac.—*George Smith*, Union-street, Southwark, hat manufacturer, June 11 at half-past 11, London, aud. ac.—*David Nutt*, Stratford-green, Essex, merchant, June 11 at half-past 11, London, aud. ac.—*Robert J. Chapman*, Bedford New-road, Clapham, market gardener, June 12 at 11, London, aud. ac.—*Peter Stainsby*, Bishopsgate-street, London; Pontesford, near Shrewsbury; and *Parsons-green, Felham, Middlesex*, smelter, June 19 at 11, London, aud. ac.—*Charles Abbott*, James-street, Long-acre, licensed victualler, June 18 at 2, London, aud. ac.—*Benjamin Newton*, Brighton, brush manufacturer, June 18 at 2, London, aud. ac.—*George Harris*, Chichester, grocer, June 19 at 12, London, aud. ac.—*Thomas Hudson*, Chobham, Surrey, grocer, June 19 at 11, London, aud. ac.—*Thomas B. Lawford and Edwin Matland*, George-yard, Lombard-street, wine merchants, June 18 at 12, London, aud. ac.—*Thomas Bell*, Jarrow, Durham, alkali manufacturer, June 20 at 11, Newcastle-upon-Tyne, aud. ac.—*W. French*, Bedlington, Durham, brewer, June 15 at half-past 12, Newcastle-upon-Tyne, aud. ac.—*E. Johnston the younger and Thomas Manley*, Whitehaven, Cumberland, sugar refiners, June 15 at 11, Newcastle-upon-Tyne, aud. ac.—*James Sidebotham*, Manchester, grocer, June 11 at 12, Manchester, aud. ac.—*John Frater*, Manchester, brewer, June 13 at 12, Manchester, aud. ac.—*Joseph Brooks*, Salford, grocer, June 14 at 12, Manchester, aud. ac.—*Hugh Talbot and Hugh Popham Talbot*, Sidmouth, Devonshire, druggists, June 14 at 1, Exeter, aud. ac.—*John Fry Reeves, John Fred. Reeves, O. Reeves, and Archibald Reeves*, Taunton, scriveners, June 14 at 1, Exeter, aud. ac. sep. est. of *Archibald Reeves*.—*J. G. Fins*, Exeter, bookseller, June 14 at 1, Exeter, aud. ac.—*Wm. D. Francis*, Bridgewater, Somersetshire, plumber, June 14 at 1, Exeter, aud. ac.—*William Reynolds Rickman*, Clement's-lane, insurance broker, June 23 at 12, London, div.—*William Appin the younger*, Morgan's-lane, Tooley-street, Southwark, carrier, June 26 at 12, London, div.—*George Stringer*, Chamber-st., Goodman's-fields, wholesale Italian warehouseman, June 22 at half-past 11, London, div.—*George Howes*, Mortimer-road, Kingsland, licensed victualler, June 22 at 1, London, div.—*Samuel Walter Gillam*, Tarlington-place, Edgeware-road, wine merchant, June 22 at 12, London, div.—*Frederick White*, Ewell, Surrey, and North-street, Chelsea, Middlesex, common brewer, June 22 at 2, London, div.—*G. Laverance*, Abingdon, Berkshire, saddler, June 22 at 11, London, div.—*Charles King Witt*, New Saram, Wiltshire, grocer, June 22 at half-past 11, London, div.—*Joseph Perr*, Ruthin, Denbighshire, scrivener, June 25 at 11, Liverpool, div.—*Wm. Clarebrough*, Sheffield, mason, June 23 at 10, Sheffield, div.—*John Dyson*, Sheffield, scythe manufacturer, June 23 at 10, Sheffield, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George Bumpstead*, Great Yarmouth, grocer, June 22 at half-past 1, London.—*Charles King Witt*, New Saram, Wiltshire, grocer, June 22 at half-past 11, London.—*Edw. Logsdon*, Hatfield, Hertfordshire, baker, June 23 at half-past 12, London.—*Robert Edward Barnes*, Sloane-street, Chelsea, wine merchant, June 23 at half-past 1, London.—*Josiah Snibson, Thomas Snibson, and Wm. Snibson*, Manchester, wholesale grocers, June 29 at 12, Manchester.—*Philip Greenleade*, Stoke Canon, Devonshire, cattle dealer, June 21 at 1, Exeter.—*John Jones Kingdon*, Ridgway, Plympton St. Mary, Devonshire, saddler, June 9 at 11, Plymouth.—*G. H. Morgan*, Hereford, builder, June 28 at half-past 10, Birmingham.

*To be granted, unless an appeal be duly entered.*

*John Stepp*, Snow-hill, wholesale chessmonger.—*Edward Burnell*, Houndsditch, and Skinner's-place, Leadenhall-market, baker.—*John Close*, Stratford, Essex, baker.—*J. W. Fisher and James Basey*, Norwich, cabinet makers.—*G. K. Geyelin*, Victoria Wharf, Regent's-park-basin, white zinc manufacturer.—*L. Benjamin*, Princes-street, Leicester-square, jeweller.—*Edward Theo. Roe*, Brighton-place, Brixton-road, oilman.—*George Tapling*, Wood-street, Chesapeake, carpet warehouseman.—*Julius Calisher*, Norfolk-st., Strand, jeweller.—*Wm. D. Francis*, Bridgewater, plumber.—*J. Crocker*, Wyke Regis, and Weymouth, Dorsetshire, tallow chandler.—*Benjamin Bray and Wm. Bray*, Okehampton, Devonshire,

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## THE JURIST.

LONDON, JUNE 9, 1855.

THE Lord Chancellor proposes that three assizes and eight quarter sessions should be held in each year. The object is to have more speedy justice, and there is great need of it. Lord Brougham stated on a recent occasion, that the returns of 1853 shewed 28,000 commitments in that year. Of these, 6200 had been acquitted, and the average imprisonment of these (presumably) innocent persons amounted to six weeks. This is a serious grievance, which should be remedied as far as possible. Under the present system, a person may be committed for trial just after the assizes in July, and if the offence with which he is charged happens to be one not triable at the sessions, he may be detained in prison awaiting his trial until the following March, a period of eight months; he may then be acquitted; so that he ought not to have been subjected to any detention whatever, and he has no remedy for the loss of his liberty, and the concomitant evils attending its loss. At the same time, it must be admitted that this is an argument capable of being pushed to an extreme point, because, as an innocent man ought to be discharged at once, it affords a reason for proceeding to final investigation and decision as soon as an alleged offender is arrested. In the administration of justice, as in other matters involving large and varied interests, the object to be kept in view is the fair and equitable adjustment of public convenience and of private rights.

If more frequent assizes and sessions are held at reasonable intervals, it will be an advantage to the public, who will thus be enabled to enforce their rights more speedily; it will be an advantage also to prisoners, who will thereby be detained for a less period in prison. To that branch of the public whence our juries are supplied there will undoubtedly be some additional inconvenience, but it will not be sufficient to preponderate over the advantages of speedy justice; nor must

it be forgotten that they will be occupied in the discharge of their important duties for a shorter duration of time on each occasion, by reason of their being summoned more frequently. The labours of our learned judges will be increased, but the number of cases which they now have to try will not, perhaps, be materially increased on the whole year, though they will be distributed over more frequent periods. If necessary, however, the number of our judges could be increased to meet the additional labour. The Bar will suffer by the alteration in one view, as they will be compelled to leave their London business eleven times during the year, and to travel the same distance as at present, incurring the somewhat onerous expenses of lodgings, dinners, &c., for a less amount of work than is afforded them on their present "itineraries;" but the interests of the Bar must not stand in the way of great public benefits, nor do they desire that they should. In one view, the change may not be without its advantage to the legal Profession, as, by facilitating the remedies of suitors, they will resort more frequently to the tribunals where their remedies may be enforced.

The proposition of the Lord Chancellor tends to remove the existing evils to some extent, but we venture to doubt whether they might not be more completely and effectually removed by a slight modification of his Lordship's plan. If only three assizes are held annually, the prisoners whose cases cannot be (and, indeed, ought not to be) tried at sessions would still be liable to be imprisoned for four months before trial, while the same interval would elapse before civil causes could be tried. By holding eight sessions annually, jurors would be summoned to attend them twice as often as they are at present. These objections, we think, might to a great extent be obviated by holding the assizes four times in the year, and the quarter sessions, as at present, four times in the year, but at equidistant periods between the assizes. By this arrangement there would be criminal courts sitting throughout the country every six weeks; prisoners

charged with offences not within the jurisdiction of sessions would be tried at intervals of three months, and civil causes would also be tried at the same periods. It would be necessary so to re-adjust the Terms as to make them subservient to these alterations.

If the Lord Chancellor's proposal for eight sessions is adopted, of what use will be the Criminal Justice Bill, now before a committee of the House of Commons, the object of which is to invest two justices in petty sessions with extraordinary powers, on account of the necessity for trying prisoners more frequently? If the Lord Chancellor's plan is carried out, the Criminal Justice Bill will be unnecessary, (unless, indeed, for the saving of some expense). If the Criminal Justice Bill pass into a law, the increased number of sessions will be useless, as there will be so few prisoners to be tried at them.

Whatever arrangement may be ultimately made, we shall be rejoiced to see justice rendered more speedy in its administration, as it has already been rendered more simple and less costly.

### COURT OF EXCHEQUER.

TRINITY TERM.—18 VICTORIA.—June 1, 1855.

This Court will hold sittings on Thursday, the 14th day of June instant, and on every succeeding day, (Sundays excepted), until and including Saturday, the 23rd day of June instant, and will at such sittings proceed in disposing of the business then pending in the New Trial and Special Papers; and will also hold a sitting on Thursday, the 5th day of July next, and will at such sitting proceed in giving judgment in all matters then standing for judgment.

FREDERICK POLLOCK.  
E. H. ALDERSON.  
T. J. PLATT.  
SAMUEL MARTIN.

### REGULA GENERALIS.

#### GENERAL ORDER

MADE IN PURSUANCE OF "THE BANKRUPTCY ACT, 1854."  
May 19, 1855.

THE RIGHT HON. ROBERT MONSEY Lord CRANWORTH, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Hon. the Lord Justice Sir JAMES LEWIS KNIGHT BRUCE, the Right Hon. the Lord Justice Sir GEORGE JAMES TURNER, EDWARD HOLROYD, Esq., and EDWARD GOULBURN, Serjeant-at-Law, two of her Majesty's Commissioners of the Court of Bankruptcy, doth hereby, in pursuance and execution of the powers of an act of Parliament passed in the 17 & 18 Victoria, intituled "An Act for regulating Appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts," and of all other powers enabling him in that behalf, order and direct, that from and after the date hereof the bills of costs of solicitors, and the charges and fees of messengers, brokers, auctioneers, and accountants, with respect to any proceedings or employment in matters of bankruptcy, shall, in the Court of Bankruptcy in London, and in the several district Courts of Bankruptcy, be taxed, settled, and allowed according to the schedule hereunto annexed: provided always, that so far as relates to the country districts, this scale, with respect to the messengers' fees, shall not, where there are now two messengers, come into operation until the number is reduced to one, and where there is only one mes-

ger, until the appointment of a new messenger in the place of such one messenger; and until such new scale shall come into operation, the fees shall, subject to any further order, be taken according to the scale dated the 26th October, 1843.

(Signed)

CRANWORTH, C.  
J. L. KNIGHT BRUCE, L. J.  
G. J. TURNER, L. J.  
EDWARD HOLROYD.  
EDWARD GOULBURN.

### SCHEDULE.

#### Petitioning Creditor's Bill of Costs to the Choice of Assignees.

Instructions for petition .. ..	£1 0 0
Examining witnesses as to trading .. ..	0 10 0
Ditto as to act of bankruptcy .. ..	0 10 0

The bankrupt being the petitioner, or the act of bankruptcy being a declaration of insolvency filed by the solicitor to the petitioner, or an assignment prepared by the solicitor to the petitioner, or default made upon a trader debtor's summons issued by the solicitor to the petitioner, this charge will not be allowed. The expense of an assignment will not be allowed where a declaration of insolvency would answer the purpose.

If solicitor reside at a distance .. ..	3 6
Writing agent to search for prior petition .. ..	3 6
Agent's writing result of search .. ..	0 7 8
Searching, if prior petition filed, and paid stamp .. ..	0 10 0
Drawing and ingrossing petition for adjudication .. ..	10 1 0
Paid for stamp and parchment .. ..	0 6 8
Attesting signature of each petitioner, except in case of partnership .. ..	0 6 8
Drawing and fair copy affidavit verifying petition .. ..	0 6 8
Attending petitioner to be sworn .. ..	1 6
Paid oath (if paid) .. ..	

(N. B.—This may be sworn in court).

Affidavits are not unnecessarily to be sworn out of court, no fee being payable when sworn in court.

Fee on petition .. ..	1 0 0
Attending to file petition and ballot for commissioner .. ..	0 6 8
Preparing summonses and summoning witnesses, or arranging with witnesses, for their attendance at opening .. ..	0 13 4
Paid them .. ..	

See Witnesses' Scale, post. Petitioning creditor is not to be regarded as a witness, and is not to be paid for loss of time; he may claim his expenses of travelling and subsistence.

Attending petitioning creditor, examining particulars of his account against the bankrupt to annex to his deposition .. ..	0 6 8
Attending to open petition when court adjudicated, and clerk .. ..	1 5 0
If by agent .. ..	2 5 0

One fee only for attending on adjudication will be allowed, unless by direction of the court at the time, and a memorandum of its allowance produced to the taxing officer.

Court fee and memorandum for house registrar (in London) .. ..	0 13 10
The sheriff being in possession under an execution, (or parties being in possession under a bill of sale), drawing and fair copy notice of adjudication .. ..	0 5 0
Copy and service at sheriff's office, or on bailiff .. ..	0 5 0
Ditto on execution creditor or creditors .. ..	0 5 0
Ditto on plaintiff's attorney or attorneys .. ..	0 5 0
Attending to bespeak copy proceedings, and afterwards for same .. ..	0 3 4
Paid for same, at 1½d. per folio of 90 words .. ..	
Attending messenger, instructing him as to residence of bankrupt or bankrupts, and places of business on the dealings and the particulars of estate and effects of the bankrupt or bankrupts .. ..	0 6 8
In country bankruptcies (drawing advertisement for provincial paper, and fair copy) .. ..	6 8

Attending to order and pay for insertion or insertions .. .. .	6	8
Paid for same .. .. .		
N. B.—One advertisement, or when the creditors are numerous, two—one preceding the choice of assignees, and one preceding the last examination; but where several consecutive advertisements are necessary in the same paper, only one attendance to order such advertisements allowed, and where in several papers only one 6s. 8d. for one or two papers, and another 6s. 8d. for a third and fourth.		
Attending court at the suggestion of the official assignee, and procuring its sanction for carrying on business, or for sale of such estate as may be ordered by the court .. .. .	0	13 4
Bankrupt being in custody, attending court to obtain warrant to bring bankrupt up to surrender, and instructing messenger .. .. .	0	13 4
Such warrant to be transmitted by the messenger through the post if at a distance.		
Paid gaoler's fee .. .. .	1	1 0
Or if brought up by gaoler's assistant (if from a distance, to be allowed as in case of witnesses) .. .. .	0	10 6
Attending on bankrupt or bankrupts surrendering and consenting to advertisement of adjudication, and (where necessary) attending at the expiration of the time allowed to the bankrupt or bankrupts for disputing the adjudication, such bankrupt or bankrupts not having surrendered, to appoint the sittings .. .. .	0	13 4
Persuing and examining affidavits of debt, with accounts and securities transmitted by creditors residing at a distance of ten miles or upwards from the court, preparing affidavits from such accounts and securities, sending them to the creditor to be sworn, exhibiting same to the court, and returning securities (if any), for each affidavit .. .. .	0	2 6
The gross amount of such allowance to be in the discretion of the taxing officer. No charge to be allowed for preparing, persuing, or examining powers of attorney to vote in the choice of assignees.		
Attending court on choice of assignees, and clerk .. .. .	1	5 0
Court fee and attending to pay same (in London) .. .. .	0	13 10
Paid for copy proceedings, as before .. .. .		
Attending to bespeak, and afterwards for same .. .. .	0	3 4
Copy and service of appointment to tax (when the assignees appoint a different solicitor) .. .. .	0	5 0
Attending taxing .. .. .	0	6 8
Court fee and attending to pay (in London) .. .. .	0	13 10
Attending taxation of messenger's costs, when thought necessary by the taxing officer .. .. .	0	3 4
Letters, messengers, and printed forms for proceedings .. .. .	0	10 0
Paid for allocatur stamp .. .. .		
<i>Where the Act of Bankruptcy is the filing a Declaration of Insolvency.</i>		
Attending A. B. on his affairs, when it was resolved to file a declaration of insolvency, drawing and fair copy declaration .. .. .	0	6 8
If two or more partners, 1s. extra for each copy signed. .. .. .		
Attending and attesting signature .. .. .	0	6 8
Paid for stamp and paper .. .. .	0	2 7
Attending chief registrar (or registrar of district court) to file declaration of insolvency, and afterwards for copy .. .. .	0	6 8
If solicitor reside at a distance .. .. .		
Letter to agent, with declaration, and instructions to file same .. .. .	0	3 6
Agent's letter in reply .. .. .	0	3 6
The identity of the bankrupt being required to be proved by a party at a distance, his attendance may be dispensed with, and his affidavit received and the following charge allowed:—		
Drawing and fair copy affidavit .. .. .	0	6 8
Attending to swear .. .. .	0	6 8
Paid oath .. .. .	0	1 6
<i>Where the Petition is filed by the Bankrupt himself, and special Proof of Assets to the Extent of 150l. is required—17 &amp; 18 Vict. c. 119, s. 20.</i>		
Drawing and fair copy statement of assets, per folio 1s. .. .. .		
Drawing and fair copy affidavit in verification thereof .. .. .	0	6 8
When statement referred (as in the London district) to the official assignee for his certificate, attending official assignee thereon, and attending court therewith, and filing same .. .. .	0	13 4
<i>Where Act of Bankruptcy is an Assignment for Benefit of Creditors, (only allowed by special Order of the Court).</i>		
Instructions for assignment .. .. .	0	6 8
Drawing same, per folio 1s. .. .. .		
To the extent of 25 folios; if longer, at the discretion of the taxing officer.		
Fair copy, per folio 4d. .. .. .		
Ingrossing same, per folio 8d. .. .. .		
Paid stamp and paper .. .. .	1	15 6
Attesting execution, 6s. 8d. each assigning party .. .. .		
<i>Where the Creditor proceeds under the Bankrupt-law Consolidation Act, 1849, Sect. 72, Act of Bankruptcy being the not paying, securing, or compounding a Judgment Debt.</i>		
Drawing notice of demand of judgment debt and fair copy .. .. .	0	5 0
Attending creditor for his signature thereto .. .. .	0	6 8
Personal service thereof .. .. .	0	5 0
<i>Where the Creditor proceeds under the Bankrupt-law Consolidation Act, 1849, Sect. 72, Act of Bankruptcy being Disobedience of Order of a Court of Equity for Payment of Money.</i>		
Making copy of decree or order for service, per folio 4d. .. .. .		
Service thereof .. .. .	0	5 0
Instructions for affidavit to ground motion to court to fix a peremptory day for payment .. .. .	0	6 8
* If made by the solicitor or his clerk, no charge for instructions.		
Drawing same, per folio 1s. .. .. .		
Fair copy same, per folio 4d. .. .. .		
Attending to be sworn .. .. .	0	6 8
Paid oath .. .. .		
Attending to file affidavit and bespeak office copy .. .. .	0	6 8
Paid for office copy .. .. .		
Brief copy decree, and affidavits for counsel, per folio 4d. .. .. .		
Fee to him .. .. .		
Attending him .. .. .	0	6 8
Attending court, order made .. .. .	0	13 4
Attending to draw up and pass order .. .. .	0	6 8
Paid for same .. .. .		
Copy order for service, per folio 4d. .. .. .		
Service thereof .. .. .	0	5 0
<i>Where the Act of Bankruptcy is the filing of a Petition in the Court for Relief of Insolvent Debtors, (Sect. 74).</i>		
Search for petition in the Court for Relief of Insolvent Debtors, bespeaking office copy thereof, and attending for same .. .. .	0	6 8
Paid for search .. .. .		
Paid for office copies .. .. .		
<i>Where the Act of Bankruptcy is the filing Petition for Arrangement under the Bankrupt-law Consolidation Act, 1849, Sect. 76.</i>		
Attending to search for petition for arrangement, and for proceedings thereunder .. .. .	0	6 8
Paid search stamp .. .. .	0	1 0
<i>Where the Act of Bankruptcy is under the Bankrupt-law Consolidation Act, 1849, Sect. 77, against a Member of Parliament.</i>		
Attending taking instructions to proceed under sect. 77, against A. B., having privilege of Parliament .. .. .	0	6 8
Affidavit of debt .. .. .	0	6 8
Attending to get same sworn .. .. .	0	6 8
Paid oath .. .. .	0	1 6
Attending to file same in one of the superior courts at Westminster .. .. .	0	3 4

Paid filing .. .. .	0 14 6	Drawing and fair copy same, 1s. per folio .. .. .	0 6 8
Writ of summons .. .. .	0 5 0	Attending deponent to be sworn .. .. .	0 6 8
Copy and service .. .. .	0 6 8	Paid oath .. .. .	0 13 4
Attending to search, if bond entered into, or appearance entered, and found none .. .. .	0 6 8	Attending senior commissioner when order made, and drawing up same .. .. .	0 3 6
<i>Costs of summoning a Trader Debtor.</i>		Writing agent with order to file on the proceedings .. .. .	0 6 8
Attending creditor, taking instructions for affidavit of debt, and to summon debtor .. .. .	0 6 8	Agent attending to file same .. .. .	0 3 6
Copy account and drawing notice for payment, and attending creditor when he signed the same .. .. .	0 6 8	Agent's letter in reply .. .. .	0 13 4
If account exceeds three folios, extra per folio 4d.		If the order be for transfer of petition from one district to another after adjudication.	
Service thereof .. .. .	0 5 0	Attending to search in — district court if proceedings transmitted, and balloting for commissioner .. .. .	0 6 8
If at a distance, usual agency charges to be produced for taxation.		Attending court to appoint official assignee, and fix days for the sittings .. .. .	0 6 8
Affidavit of debt, and of service of account and notice .. .. .	0 6 8	Attending messenger instructing him, when necessary .. .. .	0 6 8
Copy account, and notice to annex to affidavit .. .. .	0 2 6	Attending new official assignee, conferring as to the bankrupt's estate and effects, &c. .. .. .	0 13 4
If more than three folios, extra per folio 4d.		<i>Application to enlarge Time for Adjudication.</i>	
Attending deponents to be sworn .. .. .	0 6 8	Petitioning creditor not being prepared with sufficient evidence for adjudication, instructions to apply for extension of time .. .. .	0 6 8
Paid oath (if paid) .. .. .	0 6 8	Drawing affidavit in support of application, and fair copy, per folio 1s.	
Attending to file same, and for office copy (in London) .. .. .	0 6 8	Attending to get same sworn .. .. .	0 6 8
Paid for office copy .. .. .	0 6 8	Paid oath .. .. .	0 13 4
Preparing summons and copy, and attending for commissioner's signature .. .. .	0 6 8	Attending court, order made .. .. .	0 13 4
Paid stamp and paper .. .. .	0 2 7	Similar charges will be allowed on application to dispense with the attendance of petitioning creditor or the witnesses to prove debt, trading, or act of bankruptcy; and if order made, the following charges will ensue:—	
Service of summons .. .. .	0 5 0	Drawing and fair copy deposition as to petitioning creditor's debt, (or trading or act of bankruptcy, as the case may be), each .. .. .	0 6 8
Affidavit of service of summons .. .. .	0 6 8	Attending to be sworn .. .. .	0 6 8
Attending court on return of summons, when &c. .. .. .	0 13 4	Paid oath .. .. .	0 13 4
<i>Where, on the hearing of Trader Debtor Summons, the Court orders the Costs to be paid by the Debtor, or to abide the Event of an Action.</i>		<i>Costs where Petition not proceeded in within the prescribed Time, and another Creditor proceeds therewith, (Sect. 96).</i>	
Attending registrar to draw up order for costs .. .. .	0 3 4	A petition for adjudication having been filed by A. B., attending to search if same had been adjudicated upon, or any order made to extend the time .. .. .	0 6 8
Attending for appointment to tax .. .. .	0 3 4	Paid search .. .. .	0 1 0
Copy and service of order and appointment .. .. .	0 5 0	Attending court for appointment to proceed with the petition .. .. .	0 6 8
If served at a distance, see General Rule.		Examining witnesses as to trading .. .. .	0 10 0
Copy for debtor .. .. .	0 2 0	Ditto as to act of bankruptcy .. .. .	0 10 0
Bill of costs and copy to file .. .. .	0 3 0	Summoning witnesses, &c. .. .. .	0 13 4
Attending taxing .. .. .	0 6 8	The remaining costs as in other cases.	
Paid for allocatur stamp .. .. .	0 3 0	<i>Costs on Application for Warrants.</i>	
Letters, &c. .. .. .	0 3 0	Instructions for affidavit in support of application for warrant .. .. .	0 6 8
<i>Costs where the Trader Debtor is required by the Court to enter into a Bond.</i>		Drawing same, per folio 1s.	
Having received notice that sureties would join in a bond, and also copies of their affidavits, attending making inquiries as to their sufficiency .. .. .	0 13 4	Fair copy, per folio 4d.	
This charge will be subject to increase, according to the distance of the sureties' residence; and where necessary, agency charges for making such inquiries.		Attending to read over and to get same sworn .. .. .	0 6 8
Drawing exceptions to sureties .. .. .	0 3 4	Attending court, warrant granted .. .. .	0 13 4
Service thereof on defendant's attorney .. .. .	0 5 0	Drawing warrant when special, and attending for commissioner's signature and seal of court, per folio 1s.	
Attending court when sureties allowed or disallowed .. .. .	0 13 4	Fair copy, per folio 4d.	
Costs of affidavits in opposition to the allowance of the bond for want of sufficiency of sureties, the same allowance as for other special affidavits.		Attending messenger, instructing him as to the execution of the warrant .. .. .	0 6 8
<i>Costs of Trader Debtor summoned, where the Court allows Costs to him on Dismissal of the Summons.</i>		<i>Costs on Motion for Discharge from Custody.</i>	
The trader debtor's personal expenses for travelling and loss of time, according to the scale allowed to witnesses .. .. .		Instructions to move for discharge .. .. .	0 6 8
And if attended by a solicitor, and his costs allowed, (which must be by special order of the Court).		Drawing notice of motion .. .. .	0 3 0
Attending taking instructions to attend the court on return of summons .. .. .	0 6 8	Copy and service thereof .. .. .	0 5 0
Stamp and paper for deposition of good defence .. .. .	0 2 7	Instructions for affidavit in support .. .. .	0 6 8
Attending court on summons, and drawing up order .. .. .	0 13 4	Drawing same, per folio 1s.	
Attending for appointment to tax .. .. .	0 3 4	Ingrossing, per folio 4d.	
Copy and service of order and appointment .. .. .	0 5 0	Attending to get same sworn .. .. .	0 6 8
If served at a distance, see General Rule.		Attending to file same .. .. .	0 3 4
Copy bill of costs for summoning creditor, per folio 4d.		Affidavit of service of notice of motion .. .. .	0 6 8
Attending taxing .. .. .	0 6 8	Attending court on motion and drawing up order .. .. .	0 13 4
Paid allocatur stamp .. .. .	0 3 0	<i>Costs of opposing the above Motion.</i>	
Letters, &c. .. .. .	0 3 0	Having received notice of motion, search for affidavit in support, and bespeaking office copy .. .. .	0 6 8
<i>Costs of Application under the Bankrupt-law Consolidation Act, 1849, Sect. 90, to prosecute a Petition in a particular District, or to consolidate two or more Petitions, or to transfer Petition from one District to another.</i>		Paid for same .. .. .	
Instructions for affidavit to ground application to the senior commissioner, under sect. 90 of the Bankrupt-law Consolidation Act, 1849, to transfer &c. .. .. .	0 6 8		



Attending taking instructions for affidavit in opposition .. .. .	0	6	8
Drawing same, per folio 1s.			
Fair copy, per folio 4d.			
Attending to get same sworn .. .. .	0	6	8
Attending to file same .. .. .	0	3	4
Attending court on motion .. .. .	0	13	4

**Bankrupt's Costs of disputing Adjudication.**

Attending you on your having been served with copy of adjudication, taking instructions to shew cause against same .. .. .	0	6	8
Drawing notice of intention to dispute adjudication .. .. .	0	5	0
Two fair copies for service .. .. .	0	2	0
Service on petitioning creditor or his solicitor .. .. .	0	5	0
Ditto on registrar .. .. .	0	5	0
Attending court to obtain copies of the depositions on which adjudication was made .. .. .	0	3	4
Paid for same .. .. .			
Perusing and considering depositions .. .. .	0	6	8
Examining witnesses in disproof of trading and act of bankruptcy, (if any produced) .. .. .	0	10	0
Preparing and serving summons, each witness .. .. .	0	6	8
Paid them, (see Scale, post) .. .. .			
Costs of brief, and counsel's fee where requisite to employ counsel .. .. .			
Attending court .. .. .	1	0	0

**Petitioning Creditor's Costs on Bankrupt disputing Adjudication.**

The bankrupt having served notice of disputing the adjudication, summoning the witnesses to attend sitting to prove petitioning creditor's debt, trading, and act of bankruptcy, (or such of them as shall be disputed), for preparing and serving summons, each witness .. .. .	0	6	8
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If it be requisite to give new evidence of these matters, special attendances will be allowed to examine witnesses as to the facts they can prove, the charges for which, and for summoning them, will be in the discretion of the taxing officer, according to the special circumstances; and if it be necessary to employ counsel to support the adjudication, the usual charges for brief and counsel's fees will be allowed.

Attending court when adjudication confirmed (or annulled) .. .. .	1	0	0
Court fee, and attending (in London) .. .. .	0	13	10
Attending to bespeak and afterwards for office copy proceedings .. .. .	0	3	4
Paid for same .. .. .			

**Costs on Bankrupt's Application for Discharge from Custody after Surrender.**

Instructions for and drawing notice of bankrupt's intention to apply for discharge .. .. .	0	6	8
Attending for or writing gaoler for copy causes .. .. .	0	6	8
Paid for same .. .. .			
Copies of notice for service on attornies to detaining creditors, each .. .. .	0	1	0
Service of notice on each creditor .. .. .	0	5	0
Drawing and fair copy affidavit of service, and attending to be sworn .. .. .	0	6	8
Attending court when discharge ordered, and drawing order .. .. .	0	13	4
Service thereof on gaoler when not served in court .. .. .	0	5	0

These costs will not be allowed out of the estate, unless by order of the court.

**Costs on Special Sitings for Examination of Parties, &c.**

Attending assignees, advising, and receiving instructions to apply for sitting to examine A. B. as to &c. .. .. .	0	6	8
Attending court to get sitting appointed and to obtain summons .. .. .	0	6	8
Summons and service, each witness .. .. .	0	6	8
Attending court examining witnesses .. .. .	1	0	0
Clerk's attendance to take down examination .. .. .	0	5	0
Court fee, and attending (London) .. .. .	0	13	10

In special cases a brief will be allowed for counsel, and where counsel may not be employed, the preparing a minute for the solicitor's own use in court will be allowed, if so ordered by the court.

Attending to bespeak and afterwards for copy proceedings .. .. .	0	3	4
Paid for same .. .. .			
Paid witnesses, (as per Scale, post) .. .. .			

**Costs under the Bankrupt-law Consolidation Act, 1849, Sect. 121, for substituted Service of Summons where Person keeps out of the Way to avoid Service.**

Several attendances to serve summons without effect, when it appearing that the party was keeping out of the way, and could not be personally served, instructions to apply for substituted service .. .. .	0	13	4
Drawing and fair copy affidavit of facts, and that due pains had been taken to effect personal service, per folio .. .. .	0	1	0
Attending court for order for substituted service, and to draw up order, and indorsing summons .. .. .	0	13	4

**Costs of Debtor to Bankrupt's Estate on his Attendance upon Summons and admitting Debt.**

Attorney's attendance, reading over and explaining admission, and attesting same .. .. .	0	6	8
If such attorney at the same time attest more than one admission, 6s. 8d. for the first; and all further, 3s. 4d. each up to 11.; and beyond that number, such sum as the Master or Registrar shall in his discretion think proper.			

**Costs from Choice of Assignees to Audit.**

Attending to bespeak and for copy bankrupt's balance-sheet for creditors' assignees .. .. .	0	6	8
Perusing same and attending assignees, consulting, and advising thereon .. .. .	0	13	4
Attending court on last examination, and clerk .. .. .	1	5	0
Perusing and examining proofs sent from a distance, exhibiting same, and returning, each .. .. .	0	2	6
Court fee, and attending (London) .. .. .	0	13	10
Attending to bespeak and for copy proceedings .. .. .	0	3	4
Paid for same .. .. .			
The official assignee having sent his account, perusing same .. .. .	0	6	8
Attending creditors' assignee thereon .. .. .	0	13	4
Preparing creditors' assignee's affidavit, whether or not he had received or paid any sums on account of the estate .. .. .	0	6	8
Attending him to be sworn .. .. .	0	6	8
Paid oath .. .. .	0	1	6
Letter to him therewith .. .. .	0	3	6

These charges are only allowed when the assignee lives at a distance, and does not attend the sitting.

Attending court on audit .. .. .	1	0	0
Court fee, and attending (London) .. .. .	0	13	10
Attending to bespeak and for copy proceedings .. .. .	0	3	4
Paid for same .. .. .			
Attending taxing .. .. .	0	6	8
Or more, in the discretion of the taxing officer, according to the length of the bill, or the time occupied .. .. .			
Court fee, and attending (London) .. .. .	0	13	10
Paid for office copy bill, as taxed .. .. .			
Paid for allocatur stamp .. .. .			
Letters, &c. .. .. .	0	10	0

**Costs of Sitting for Dividend.**

Attending official assignee, and subsequently the court, to get dividend sitting appointed, (if not appointed when audit fixed, or at the audit) .. .. .	0	6	8
Attending court on dividend meeting, and clerk .. .. .	1	5	0
Perusing and exhibiting proofs sent from a distance, and returning securities, each .. .. .	0	2	6
Court fee, and attending (in London) .. .. .	0	13	10
Attending to bespeak and for copy proceedings .. .. .	0	3	4
Paid for same .. .. .			

Making out three dividend lists, signing and delivering same to official assignee, 1s. 6d. each creditor to 100, and 1s. for all above.

If a second or subsequent dividend, two-thirds of the above charges, (viz. 1s. and 8d.), but the gross charge at the discretion of the taxing officer.

New proofs at the second or subsequent dividend, to be allowed 1s. 6d. in addition.

*Note.*—If the lists are not delivered to the official assignee within ten days after the sitting, or within such further time as the commissioner may allow, these charges will be disallowed, and the court may direct the official assignee to prepare the lists.

Attending taxing .. .. .	0 6 8
Court fee, and attending (in London) .. .. .	0 13 10
Paid for allocatur stamp .. .. .	0 5 0
Letters, &c. .. .. .	0 5 0

#### *Bankrupt's Costs of Certificate.*

Instructions to attend sitting for certificate, perusing balance-sheet and proceedings .. .. .	0 13 4
When necessary, attending registrar for appointment of sitting, and attending to instruct messenger to advertise and give notice to assignee's solicitor .. .. .	0 6 8
Paid messenger as a deposit the following fees, which will be returned if the court orders the costs of certificate sitting to be paid out of the estate .. .. .	3 12 4
Drawing advertisement of certificate sitting, and attending to insert .. .. .	0 6 8
Paid insertion .. .. .	0 10 6
Assignee's solicitor's fee on sitting, and clerk .. .. .	1 5 0
Messenger's ditto .. .. .	0 2 6
Court fee (London) .. .. .	0 10 6
Drawing advertisement of certificate being allowed or suspended, and attending to insert .. .. .	0 6 8
Paid insertion .. .. .	0 10 6
	£3 12 4
Attending court on certificate .. .. .	1 0 0
Letters, &c. .. .. .	0 5 0

Briefs and counsel's fees will be allowed when requisite.

#### *Assignees' Costs on Certificate.*

Attending assignees and taking instructions on notice of sitting for allowance of certificate .. .. .	0 6 8
*Attending court on certificate, and clerk, (including drawing and ingrossing certificate, &c.) .. .. .	1 5 0
*Court fee, and attending to pay same .. .. .	0 13 10
Attending for copy proceedings .. .. .	0 3 4
Paid for same .. .. .	0 3 4

The items marked \* are not to be charged, except where the certificate fees are paid out of the estate, as they are included in the deposit made with the messenger on appointing the sitting.

When requisite to oppose by counsel, briefs and counsel's fees will be allowed.

#### *Costs of Application to commence, prosecute, or defend Action at Law or Suit in Equity, under Sect. 153 of the Bankruptcy-law Consolidation Act, 1849.*

Attending the assignees, taking instructions to apply to the court for leave .. .. .	0 6 8
Attending court, leave granted, drawing and fair copy order .. .. .	0 13 4

If special, drawing and copying order, 1s. per folio.

#### *Costs of Application for Leave to compound Debts, or submit Differences and Disputes to Arbitration.*

Attending the assignees, taking instructions to apply for leave .. .. .	0 6 8
Attending court to make application when order made, drawing same, &c. .. .. .	0 13 4

If special, as above .. .. .

If the court should direct notice to creditors, or make the order subject to any condition as to obtaining the consent of creditors, or of any proportion of them, then such costs of carrying the order into effect as the taxing officer shall in his discretion think reasonable.

#### *Costs of Briefs.*

Instructions for brief .. .. .	0 6 8
(Allowed only when counsel employed).	
Drawing same, per sheet, (each sheet to contain ten folios) .. .. .	0 6 8
Fair copy, per sheet .. .. .	0 3 4
Fee to counsel and clerk .. .. .	0 6 8
Attending him .. .. .	0 6 8

Where consultation or conference is necessary, attending to appoint same .. .. .	0 6 8
Fee to counsel and clerk .. .. .	0 6 8
Attending consultation or conference .. .. .	0 13 4

#### *Costs of Cases for Opinion of Counsel.*

Instructions for case .. .. .	0 6 8
Drawing same, per sheet of ten folios .. .. .	0 6 8
Fair copy, per sheet .. .. .	0 3 4
Fee to counsel and clerk .. .. .	0 6 8
Attending him .. .. .	0 6 8
Attending for and perusing opinion .. .. .	0 6 8
Attending client, reading over opinion, and conferring with him thereon .. .. .	0 6 8

#### *Costs of Sale of Bankrupt's Real or Leasehold Estate.*

When abstract perused, for every three brief sheets .. .. .	0 6 8
Conferring with the assignees, taking instructions for sale .. .. .	0 6 8
Drawing and fair copy particulars of property to be offered for sale .. .. .	0 6 8
If exceeding five folios, 1s. per folio extra.	
Perusing documents in order to prepare special conditions of sale, (or at the discretion of the taxing officer) .. .. .	0 13 4
Instructions for conditions of sale .. .. .	0 6 8
Drawing conditions of sale, per folio 1s. .. .. .	0 6 8
Fair copy, per folio 4d. .. .. .	0 6 8
Attending settling conditions where other parties interested .. .. .	0 6 8
Copy for auctioneer, per folio 4d. .. .. .	0 6 8
Attending him therewith and correcting proof .. .. .	0 6 8
Attending giving information to parties who applied for particulars .. .. .	0 13 4
Attending the sale .. .. .	1 0 0

If at a distance, in the discretion of the taxing officer.

Instructions for abstract .. .. .	0 6 8
Drawing same, per sheet of ten folios .. .. .	0 6 8
Fair copy for purchaser, per sheet .. .. .	0 3 4

Where there is a previous abstract, to the extent of that abstract fair copying only will be allowed.

Attending to deliver abstract .. .. .	0 6 8
Attending to produce deeds to enable purchaser's solicitor to verify abstract .. .. .	0 6 8
Perusing and considering his observations and requisitions on title, and drawing and fair copying replies thereto, (this will vary according to circumstances) .. .. .	0 5 0
Perusing draft conveyance, per skin of fifteen folios .. .. .	0 5 0
Copy to keep, per folio 4d. .. .. .	0 6 8
Attending to return draft approved .. .. .	0 3 4
Examining ingrossment, per skin .. .. .	0 6 8
Attending execution by each party .. .. .	0 13 4
Attending settling .. .. .	0 13 4
Solicitor's fee attending the official assignee to see the purchase money paid into the Bank (where it exceeds 500l.) .. .. .	1 0 0
Letters, &c. .. .. .	0 10 0

#### *Costs of taking Mortgagee's Account—Mortgagee's Solicitor's Bill.*

A. B. having become bankrupt, attending you and consulting thereon, perusing your security and account, and taking instructions to obtain sale of the mortgaged premises .. .. .	0 13 4
Attending court for appointment to take mortgagee's account .. .. .	0 6 8
Letter to assignee's solicitor to apprise him thereof .. .. .	0 3 6
The like to the mortgagee .. .. .	0 3 6
Drawing affidavit of mortgagee and account of principal and interest, per folio 1s. .. .. .	0 6 8
Fair copy, per folio 4d. .. .. .	0 6 8
Attending deponent to be sworn .. .. .	0 13 4
Attending court on taking the account and obtaining order for sale .. .. .	0 13 4
Drawing order for sale, per folio 1s. .. .. .	0 13 10
Fair copy, per folio 4d. .. .. .	0 13 10
Court fee, and attending (London) .. .. .	0 13 10

#### *Assignee's Costs on taking Mortgagee's Account.*

Attending you on being served with appointment to take mortgagee's account, and conferring thereon .. .. .	0 6 8
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Attending mortgagee's solicitor, perusing and considering security, and taking extracts therefrom..	0 13 4
Attending court on the accounts being taken and sale ordered, same to be under the conduct and control of the assignees .. .. .	0 13 4

(For costs of sale, see ante).

*Registering Assignee's Appointment where Bankrupt had Freehold or Leasehold Property in a Register County, (Sect. 143).*

Instructions for memorial .. .. .	0 6 8
Drawing same and fair copy, per folio 1s.	
Ingrossing, per folio 8d.	
Parchment .. .. .	0 2 6
Attending attesting .. .. .	0 6 8
Attending to register proceedings .. .. .	0 6 8
Paid .. .. .	0 6 8
Attending for certificate of registration .. .. .	0 6 8

*Petitioner's Costs on Petition.*

Instructions for petition .. .. .	0 6 8
Drawing same, per folio 1s.	
Fair copy to present, per folio 4d.	
Attending reading over, and attesting signature of petitioner, each .. .. .	0 6 8
Copy petition for the court, at per folio 4d.	
Copies for service, each, per folio 4d.	
Common service of petition, each .. .. .	0 5 0
Special service, (according to circumstances) .. .. .	
Attending registrar to present petition, to get petition answered, and for seal of the court .. .. .	0 6 8
Attending to file petition after service .. .. .	0 3 4
Affidavit of service .. .. .	0 5 0
Instructions for affidavit in support of petition .. .. .	0 6 8

† No instructions where the solicitor or his clerk makes the affidavit; no fees allowed to counsel to settle affidavit, except in very special cases.

Drawing same, per folio 1s.	
Ingrossing same, per folio 4d.	
Attending reading over, and to be sworn .. .. .	0 6 8
Attending to file same .. .. .	0 3 4
Attending to search for affidavits in opposition, to bespeak office copies, and for same .. .. .	0 6 8
Paid search stamp .. .. .	0 1 0
Paid for office copies .. .. .	
Brief copies of petition, and of affidavits, (except affidavits of service), and of all other necessary documents for counsel, per brief sheet of ten folios .. .. .	0 3 4
Drawing observations, and fair copy for counsel, per brief sheet .. .. .	0 10 0

† In which all copies of documents inserted to be charged 4d. per folio only.

Fee to counsel .. .. .	0 6 8
Attending him .. .. .	0 6 8
Attending court when petition heard .. .. .	0 13 4
Court fee, and attending (in London) .. .. .	0 13 10
Drawing order, per folio 1s.	
Fair copy, per folio 4d.	
Attending settling same .. .. .	0 6 8
Ingrossing same, per folio 4d.	
Attending the registrar to pass same .. .. .	0 6 8
Copy of order for service, (when necessary to be served), at per folio 4d.	
Common service .. .. .	0 5 0
Special service, (according to circumstances) .. .. .	
Attending for appointment to tax, copy and service, (where opposing party is entitled to attend taxation) .. .. .	0 5 0
Attending taxing .. .. .	0 6 8
Ditto respondent's costs .. .. .	0 6 8
Court fee, and attending (London) .. .. .	0 13 10
Letters, &c. .. .. .	0 10 0
Paid for allocatur stamp .. .. .	

*Respondent's Costs on Petition or Motion.*

Instructions to oppose .. .. .	0 6 8
Attending to search for and to bespeak office copies of affidavits filed in support, and for same .. .. .	0 6 8
Paid search .. .. .	0 1 0
Paid for office copies .. .. .	

Instructions for affidavit in answer .. .. .	0 6 8
Drawing same, per folio 1s.	
Ingrossing same, per folio 4d.	
Attending deponent, reading over, and to be sworn .. .. .	0 6 8
Attending to file same, and for office copies .. .. .	0 6 8
Paid for office copies .. .. .	
Brief copies of petition, affidavits, and other necessary documents for counsel, per brief sheet, ten folios .. .. .	0 3 4
Drawing and fair copy observations, per brief sheet .. .. .	0 10 0
(See note, supra, marked †).	
Fee to counsel .. .. .	
Attending him .. .. .	0 6 8
Attending court, either of commissioner, of the Lord Chancellor, or Lords Justices, petition or motion heard .. .. .	0 13 4
Attending to pass order .. .. .	0 6 8
Copy order for service, (where the duty of carrying the order into effect falls on the respondent), per folio 4d.	
Common service .. .. .	0 5 0
Special service, (according to circumstances) .. .. .	
Attending for appointment to tax, copy and service, (where petitioner is entitled to attend the taxation) .. .. .	0 5 0
Attending taxing .. .. .	0 6 8
Ditto petitioner's costs .. .. .	0 6 8
Letters, &c. .. .. .	0 10 0
Paid for allocatur stamp .. .. .	

*Costs of Motion.*

Drawing and fair copy notice of motion to be served, per folio 1s.	
Making short note of motion, and attending registrar therewith, previously to the sitting of the court, pursuant to the 28th rule .. .. .	0 3 4
Instructions for affidavit in support of motion .. .. .	0 6 8
(See note, supra, marked †).	
Drawing same, at per folio 1s.	
Ingrossing, at per folio 4d.	
Attending reading over and to be sworn .. .. .	0 6 8
Paid oath .. .. .	
Copy affidavit for service with the notice of motion, per folio 4d.	
Service of notice of motion and of copy affidavit .. .. .	0 5 0
If special, according to circumstances.	
Attending to file affidavit and bespeak office copy .. .. .	0 6 8
Affidavit of service .. .. .	0 5 0
Paid for office copy .. .. .	
Brief copy affidavits for counsel, per brief sheet of ten folios .. .. .	0 3 4
Copy notice of motion to annex .. .. .	0 1 0
If more than two folios, 4d. per folio.	
Drawing and fair copy observations, per brief sheet of ten folios .. .. .	0 10 0
(See note, supra, marked †).	
Paid fee to counsel .. .. .	0 6 8
Attending him .. .. .	0 6 8
Attending court on motion .. .. .	0 13 4
Court fee, and attending, (London) .. .. .	0 13 10
Drawing order, per folio 1s.	
Attending settling same .. .. .	0 6 8
Ingrossing same, per folio 4d.	
Attending to pass order .. .. .	0 6 8
Copy to serve, where necessary, per folio 4d.	
Service thereof .. .. .	0 5 0
Special service, (according to circumstances) .. .. .	0 5 0
Letters, &c. .. .. .	0 5 0

*Costs of Petition for Arrangement under the Control of the Court, (Sect. 211).*

Instructions for petition for arrangement .. .. .	1 0 0
Examining witnesses as to trading &c. .. .. .	0 10 0
Searching for prior petition for adjudication, and paid .. .. .	0 7 8
Drawing petition .. .. .	0 10 0
Stamp and parchment .. .. .	10 1 0
Attesting petitioner's signature .. .. .	0 6 8
Affidavit of verification .. .. .	0 6 8
Attending to swear same .. .. .	0 6 8
Attending filing petition and attending to ballot .. .. .	0 6 8
Fair copy for official assignee, at per folio 4d.	

Fee on petition .. .. .	1	0	0
Drawing and fair copy statement of assets .. .. .	0	6	8
(Or more, at the discretion of the taxing officer).			
If same be referred, as in the London district, to official assignee, for his inquiry and certificate that there are assets amounting to 200 <i>l.</i> —Attending him thereon for same, and subsequently attending court to file same, and attending commissioner with certificate, and obtaining appointment to open, and on official assignee, with deposit as ordered .. .. .			
Summons and summoning witness to prove trading .. .. .	0	6	8
Attending to bespeak certificate of cause of detention, (where petitioner is in custody), and afterwards for same .. .. .	0	6	8
Paid for same .. .. .	0	13	4
Fee on opening .. .. .	1	0	0
Court fee, and attending, (in London) .. .. .	0	13	10
Paid for copy proceedings .. .. .	0	3	4
Attending .. .. .	0	3	4
Attending court on application that messenger or official assignee take possession of petitioner's effects, drawing order, and attending to get same signed .. .. .	0	13	4
Attending the messenger, instructing him as to possession, notices, &c. .. .. .	0	6	8
Attending official assignee, conferring, and informing him of petitioner's dealings and estate .. .. .	0	13	4
Fair copy list of creditors for messenger, with address, (according to length), per folio 4 <i>d.</i> .. .. .	0	3	4
Attending him therewith .. .. .	0	3	4
Instructions for proposal .. .. .	0	6	8
Drawing same, per folio 1 <i>s.</i> .. .. .	0	6	8
Fair copy to file, per folio 4 <i>d.</i> .. .. .	0	6	8
Other copies where required, per folio 4 <i>d.</i> .. .. .	0	6	8
Attending petitioner attesting his signature .. .. .	0	6	8
If accounts prepared by an accountant—Perusing and considering the accounts prepared for filing, and attending petitioner thereon, and conferring .. .. .	0	13	4
If accounts prepared by the solicitor—Drawing accounts for filing, per folio 1 <i>s.</i> .. .. .	0	13	4
Fair copy to file with petition, per folio 4 <i>d.</i> .. .. .	0	6	8
Other copies if required, per folio 4 <i>d.</i> .. .. .	0	6	8
Attending petitioner attesting his signature thereto and to duplicate .. .. .	0	6	8
Attending filing one part in court, together with proposal, and attending official assignee with duplicate .. .. .	0	6	8
Attending to bespeak and for office copy same .. .. .	0	3	4
Paid for same .. .. .	0	3	4
Attending first sitting, when proposal assented to and resolutions adopted .. .. .	1	0	0
Clerk's attendance .. .. .	0	5	0
Exhibiting proofs from a distance, each .. .. .	0	2	6
Court fee, and attending, (London) .. .. .	0	13	10
Paid for copy proceedings .. .. .	0	3	4
Attending for same .. .. .	0	3	4
Making list of creditors who did not attend, for messenger to summon them to second sitting, (according to length), per folio 4 <i>d.</i> .. .. .	0	2	6
Attending messenger, instructing him as to notice to be served on creditors of second sitting .. .. .	0	3	4
Attending second sitting, when resolutions of first sitting confirmed and proposal assented to .. .. .	1	0	0
Clerk's attendance to take proofs .. .. .	0	5	0
Examining and exhibiting proofs sent from a distance, each .. .. .	0	2	6
If the resolution should not be signed on its confirmation at the sitting, and the solicitor attends to obtain the commissioner's signature subsequently .. .. .	0	13	4
If the resolutions exceed ten folios, for drawing same, (such part as is drawn), 1 <i>s.</i> per folio, and fair copy 4 <i>d.</i> .. .. .	0	13	10
Court fee, and attending .. .. .	0	13	10
Paid for copy proceedings .. .. .	0	3	4
Attending for same .. .. .	0	3	4

If either at the first or second sitting the court adjudge the petitioner bankrupt, and adjourn the proceedings to the public court, drawing special order and ingrossing, per folio 1*s.* The subsequent costs will be the same as peti-

tioning creditor's costs after adjudication, except that no attendance on the bankrupt's surrender, or to get sittings appointed, will be allowed.

Attending taxing messenger's bill .. .. .	0	3	4
Attending taxing petitioner's bill of costs .. .. .	0	6	8
Paid court fee, and attending .. .. .	0	13	10
Paid for allocatur stamp .. .. .	0	10	0
Letters, &c. .. .. .	0	10	0

#### Costs under Sect. 220.

A difficulty having arisen in the execution of the resolution or agreement by reason of &c., instructions to apply for special sitting .. .. .	0	6	8
Attending court to obtain appointment for special sitting .. .. .	0	6	8
Drawing circular to send to the creditors informing them of sitting .. .. .	0	3	6
Copies to send, each .. .. .	0	1	0
Attending each sitting .. .. .	1	0	0
Clerk .. .. .	0	5	0
Court fee, and attending, (London) .. .. .	0	13	10
Attending for copy proceedings .. .. .	0	3	4
Paid for same .. .. .	0	3	4

#### Costs of Certificate of Arranging Debtor, (Sect. 221).

The resolution and agreement having been carried into effect, and the creditors satisfied, instructions to apply for certificate and attending registrar for appointment of sitting .. .. .	0	6	8
Drawing notice to trustees .. .. .	0	5	0
Copy and service thereof, each .. .. .	0	5	0
Affidavit of service, when required .. .. .	0	5	0
Drawing affidavit in support of application, per folio 1 <i>s.</i> .. .. .	0	5	0
Ingrossing, per folio 4 <i>d.</i> .. .. .	0	6	8
Attending to swear and to file same .. .. .	0	6	8
Drawing certificate in the form of schedule, and ingrossing .. .. .	0	5	0
Paid for parchment .. .. .	1	0	0
Attending court, certificate granted .. .. .	0	13	10
Court fee, and attending .. .. .	0	13	10
Letters, &c. .. .. .	0	5	0

The same charges, mutatis mutandis, for certificate that official assignee had fully performed his trust, if applied for at a different time.

#### Costs of Arrangement by Deed, (Sect. 224).

Instructions for deed of arrangement .. .. .	0	6	8
Drawing same, per folio 1 <i>s.</i> .. .. .	0	6	8
Fair copy, per folio 4 <i>d.</i> .. .. .	0	6	8
Ingrossing, per folio 8 <i>d.</i> .. .. .	0	6	8
Attending execution by each party .. .. .	0	6	8
Six-sevenths of the creditors having executed the deed, drawing and ingrossing certificate thereof, to be signed by trustees .. .. .	0	5	0
Attending attesting signature .. .. .	0	6	8
Copy account to be appended thereto, per folio 4 <i>d.</i> .. .. .	0	6	8
Drawing and ingrossing affidavit of trader, verifying accounts, and certificate of trustee .. .. .	0	6	8
Attending to be sworn .. .. .	0	6	8
Drawing notice of applying to the court for certificate of the deed having been executed by requisite proportion of creditors, to be served on the creditors who had not executed same .. .. .	0	5	0
Copy and service on each creditor, with the necessary affidavit of service .. .. .	0	6	8
Instructions for petition for certificate .. .. .	0	6	8
Drawing same, per folio 1 <i>s.</i> .. .. .	0	6	8
Ingrossing, per folio 4 <i>d.</i> .. .. .	10	1	0
Paid stamp, &c. .. .. .	0	6	8
Attesting same .. .. .	0	6	8
Attending to file .. .. .	0	6	8
Attending court on petition, certificate granted .. .. .	0	13	4
Court fee, and attending, (London) .. .. .	0	13	10
Letters, &c. .. .. .	0	10	0

(The remainder will be given in our next number.)

COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed Thomas Weeks, Gent., of 25, Artillery-place, City-road, to be a London Commissioner to administer oaths in the High Court of Chancery.

nursery gardeners.—*John Balkwill*, Exeter, shoemaker.—*C. Frith and John Archer*, Liverpool, brokers.—*Samuel Highfield*, Bacche, Lancashire, gas manufacturer.—*Mary Jackson and Thomas Heywood*, Droylsden, Lancashire, skein printers.—*Richard Brosap, John Brosap, Jas. Brosap, and William Brosap*, Burnley, cotton manufacturers.—*Martha H. Ireland*, Newton Heath, Lancashire, dyer.—*Wm. W. C. Kirkham*, Manchester, money scrivener.—*Thomas Wadsworth*, Macclesfield, silk dealer.—*Jane Mary Bentley*, Dudley, grocer.—*Edward Carrington*, Birmingham, grocer.—*John Andrews Clarke and Joseph Davison*, Cheapside, warehousemen.—*C. Heaton and James Heaton*, Lime-street, and White Lion-st., Spitalfields, export oilmen.—*Wm. Jennings*, Bradford, linen-draper.—*Thomas Nicholson*, Leeds, machine maker.—*John Lambert*, Halifax, timber dealer.—*James Howell*, Judd-st., Brunswick-square, builder.

## PARTNERSHIP DISSOLVED.

*Wm. Visard and Thomas Edgcombe Parson*, Lincoln's-inn-fields, attorneys and solicitors.

## TUESDAY, June 5.

## BANKRUPTS.

**WILLIAM PAXON**, Hampstead, auctioneer, June 15 at 12, and July 21 at half-past 12, London: Off. Ass. Pennell; Sol. Stopher, 52, Cheapside.—Pet. f. June 4.

**EDMUND BUTLER**, York-street, Middlesex Hospital, and Gipsy-hill, Norwood, baker, June 15 at 2, and July 25 at 12, London: Off. Ass. Nicholson; Sol. Atkinson, Quality-court, Chancery-lane.—Pet. f. June 1.

**WILLIAM BOUCH**, Queen-street, Piccadilly, licensed victualler, June 15 at 12, and July 10 at 1, London: Off. Ass. Graham; Sols. Dimmock & Barbey, 2, Suffolk-lane, Cannon-street, City.—Pet. f. June 4.

**BENJAMIN BOUCH**, late of Clarence-road, Kentish-town, but now of Williams-terrace, Hawley-road, Kentish-town, licensed victualler, June 15 at 1, and July 20 at 2, London: Off. Ass. Whitmore; Sols. Dimmock & Barbey, 2, Suffolk-lane, Cannon-street.—Pet. f. June 4.

**FRANCIS PARRY MCARTHY**, Beach-street, Barbican, metal dealer, June 19 at 2, and July 17 at 12, London: Off. Ass. Lee; Sols. Rennolls, 1, Lincoln's-inn-fields; Gem & Co., Birmingham.—Pet. f. May 30.

**HENRY LAUMANN**, Burlington-house, Fulham, dealer and chapman, June 14 at 2, and July 19 at 1, London: Off. Ass. Johnson; Sol. Smith, 31, Lincoln's-inn-fields.—Pet. f. June 1.

**BUCHANAN BALFOUR**, late of St. Mary-axe, Leadenhall-street, but now of Pinners'-hall-court, Broad-street, dealer and chapman, June 15 at 1, and July 19 at half-past 1, London: Off. Ass. Johnson; Sols. Surr & Gribble, 12, Abchurch-lane.—Pet. f. May 31.

**DAVID ROLLASON and BENJAMIN ROLLASON**, Bilston, Staffordshire, ironmasters, June 18 and July 9 at half-past 10, Birmingham: Off. Ass. Whitmore; Sols. Whitehouse, Wolverhampton; James, Birmingham.—Pet. d. June 1.

**FREDERICK DAWSON HIORNS**, Coventry, dealer and chapman, June 16 and July 7 at 11, Birmingham: Off. Ass. Bittleston; Sol. East, Birmingham.—Pet. d. May 30.

**GEORGE STANTON**, Birmingham, retail brewer, June 20 and July 9 at half-past 10, Birmingham: Off. Ass. Bittleston; Sol. Hawkes, Birmingham.—Pet. d. June 1.

**WILLIAM HANCOCK**, Talk-o'-th'-Hill, Staffordshire, dealer and chapman, June 22 and July 13 at 11, Birmingham: Off. Ass. Christie; Sols. Sherratt, Talk-o'-th'-Hill, Staffordshire; Hodgson, Birmingham.—Pet. d. May 29.

**ABRAHAM HENRY JAMES**, Newport, Monmouthshire, marble mason, June 18 and July 17 at 11, Bristol: Off. Ass. Acreman; Sols. Bevan & Girling, Bristol.—Pet. f. June 2.

**WILLIAM WILLIAMS**, Liverpool, tailor, June 13 and July 9 at 11, Liverpool: Off. Ass. Cazenove; Sol. Banner, Liverpool.—Pet. f. May 18.

## MEETINGS.

*George Stringer*, Chamber-street, Goodman's-fields, Italian warehouseman, June 15 at 11, London, aud. ac.—*George Hennet*, Duke-street, Westminster, railway contractor, June 15 at 12, London, aud. ac.—*Esra Jenkins Coates and John Hillard*, Bread-street, Cheapside, London; Manchester, Liverpool, and Leicester, England; and New York, America, merchants, June 15 at 12, London, aud. ac.—*S. W. Gillam*,

Tarlington-place, Edgeware-road, wine merchant, June 15 at 11, London, aud. ac.—*Edward Jenner Stannard*, Trinity-square, Tower-hill, wine merchant, June 16 at 11, London, aud. ac.—*W. Lemon*, Bridgehouse-place, Newington-causway, painter, June 15 at 11, London, aud. ac.—*W. Ludlow Palin*, Mortlake, cooper, and Putney, licensed victualler, June 15 at 11, London, aud. ac.—*W. Wilkins*, Aylesbury-st., Clerkenwell-street, licensed victualler, June 15 half-past 1, London, aud. ac.—*Frederick William Doddington*, Aldersgate-street, manufacturer of fancy goods, June 16 at 11, London, aud. ac.—*William Bond*, Drury-lane, Middlesex, licensed victualler, June 15 at 11, London, aud. ac.—*Louis Lipman*, Charles-street, Northampton-square, Clerkenwell, goldsmith, June 26 at 1, London, aud. ac.—*George Anderson*, Upper-street, Islington, stationer, June 22 at 11, London, aud. ac.; June 26 at half-past 11, div.—*W. Miller*, Whitechapel-road, coffee-house keeper, June 22 at 11, London, aud. ac.—*William Aspin the younger*, Morgan's-lane, Tooley-street, Southwark, carrier, June 22 at 11, London, aud. ac.—*James Piper*, Holborn, carver, June 22 at 2, London, aud. ac.—*Wm. Attack*, Canning-town, Plaistow-marshes, Essex, engineer, June 18 at 1, London, aud. ac.—*George J. Jenvey*, Barnstaple, Devonshire, bookseller, June 21 at 1, Exeter, aud. ac.; June 28 at 1, div.—*John Fleetwood*, Liverpool, grocer, June 15 at 11, Liverpool, aud. ac.—*Hugh H. Ross*, Liverpool, draper, June 15 at 11, Liverpool, aud. ac.—*William Birks*, Sheffield, brush manufacturer, June 16 at 10, Sheffield, aud. ac.—*Bartholomew Steel*, Sheffield, earthenware dealer, June 16 at 10, Sheffield, aud. ac.—*Joseph Samuel Arvidson*, Kingston-upon-Hull, ship chandler, June 27 at 12, Kingston-upon-Hull, aud. ac. and div.—*Thomas George Curtis*, Oxford-street, licensed victualler, June 26 at 11, London, div.—*Samuel Churchill*, Doddington, Oxfordshire, scrivener, June 26 at 12, London, div.—*Henry Gibbon*, Gracechurch-street, merchant, June 27 at 1, London, div.—*Wm. R. Barrett*, Folkestone, Kent, ironmonger, June 26 at 12, London, div.—*Wm. J. Normanville*, Duke-street, Adelphi, and Queen's-road, Regent's-park, commission agent, June 26 at half-past 12, London, div.—*Wm. Thomas*, Bridge-street, Blackfriars, and Noble-street, commission agent, June 26 at 1, London, div.—*George C. Stewart*, Hackney-road, draper, June 26 at half-past 12, London, div.—*Wm. Buckwell* and *Thomas Jones*, Duke-street, Southwark, dealers in cement, June 27 at 12, London, div.—*Thomas Hudson*, Chobham, grocer, June 28 at 11, London, div.—*Jabez Cooper*, Blackheath, Rowley Regis, Staffordshire, linendrapery, June 27 at half-past 10, Birmingham, aud. ac. and div.—*Joseph Corbett*, Birmingham, coal merchant, June 20 at half-past 10, Birmingham, div.—*Robert Rimmer*, Tenbury, Worcestershire, publican, June 27 at half-past 10, Birmingham, div.—*John C. Stevens* and *Jacob Stower*, Liverpool, British wine merchants, June 27 at 11, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*William Mead*, Milk-street, Cheapside, commission agent, June 28 at half-past 11, London.—*Wm. Crole* the younger, Rood-lane, East India merchant, June 27 at 1, London.—*George Greenfield*, Upper Holloway, bricklayer, June 28 at 1, London.—*Wm. Morgan*, Bristol, potato dealer, July 2 at 11, Bristol.—*James G. Fitze*, Exeter, bookseller, July 5 at 1, Exeter.—*John Dixon*, Liverpool, cooper, June 27 at 11, Liverpool.—*Ann Gregory*, Liverpool, licensed victualler, June 27 at 11, Liverpool.—*J. S. Arvidson*, Kingston-upon-Hull, ship chandler, June 27 at 12, Kingston-upon-Hull.—*J. Allen*, Birmingham, builder, June 28 at half-past 10, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Martin Shepherd*, Warwick, draper.—*Thomas Pollard* and *Arthur John Symonds*, Guildford, builders.—*Charles Henry Harben*, Goulstone-street, High-street, Whitechapel, and Carlton-hill-villas, Camden-road, Holloway, wholesale cheesemonger.—*John Cowan*, Church-cottage, De Beauvoir-square, merchant.—*James Churchyard*, Lothian-terrace, Coldharbour-lane, Brixton, builder.—*James Mathews* and *James E. Phillips*, Wood-street, Cheapside, warehousemen.—*William Winder*, Haymarket, tavern keeper.—*Stephen Eastwood*, Gray's-place, Mile-end-road, licensed victualler.

## PETITION DISMISSED.

*Erasmus Bond*, Wharf-road, City-road, and Angel-terrace, River-lane, Islington, soda water manufacturer.

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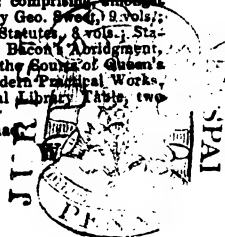
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**WILMOT JAMES NOKES**, South-st., Spitalfields Market, potato salesman, June 22 and July 20 at 1, London: Off. Ass. Whitmore; Sols. G. & E. Hilleary, 5, Fenchurch-buildings, Fenchurch-street.—Pet. f. June 8.

**CHARLES BLANKS**, East Hanningfield, Essex, dealer and chapman, June 19 at half-past 2, and July 17 at half-past 1, London: Off. Ass. Edwards; Sols. White & Cole, 28, Martin's-lane, Cannon-street.—Pet. f. June 2.

**CHRISTOPHER ROWLES BELL**, otherwise **CHRISTOPHER ROLES BELL**, Hounslow, dealer and chapman, June 18 at half-past 2, and July 24 at 1, London: Off. Ass. Lee; Sols. Scott & Syms, 7, Furnival's-inn, Holborn.—Pet. f. June 4.

**GEORGE FREDERICK JOHNSTONE**, otherwise **GEORGE JOHNSTONE**, St. Ives, Huntingdonshire, dealer and chapman, June 19 at half-past 11, and July 25 at 1, London: Off. Ass. Graham; Sols. Sole & Co., 68, Aldermanbury.—Pet. f. June 6.

**HENRY ANDREWS SIMON**, Albion-road, Wandsworth-road, dealer and chapman, June 20 at 1, and July 25 at half-past 12, London: Off. Ass. Stansfeld; Sol. Ellaby, 12, Queen-street, Cheapside.—Pet. f. June 7.

**DAVID LEOPOLD LEWIS**, Salter's Hall-court, Cannon-street, dealer and chapman, June 15 at 1, and July 25 at half-past 11, London: Off. Ass. Graham; Sol. Chidley, 19, Gresham-street.—Pet. f. June 7.

**SAMUEL DUDLEY**, Tipton, Staffordshire, tailor, June 22 and July 20 at 11, Birmingham: Off. Ass. Christie; Sols. Duignan & Hemmant, Walsall.—Pet. d. June 6.

**THOMAS DAVIES**, New Quay, Cardiganshire, dealer and chapman, June 19 and July 17 at 11, Bristol: Off. Ass. Miller; Sols. Brittan & Sons, Bristol.—Pet. f. June 7.

**MILES ROBINSON**, Norwood, near Otley, Yorkshire, dealer and chapman, June 21 and July 20 at 11, Leeds: Off. Ass. Young; Sol. Harle, Leeds.—Pet. d. June 6.

**THOMAS LAKE**, Wakefield, Yorkshire, grocer, June 25 at 12, and July 24 at 11, Leeds: Off. Ass. Hope; Sols. Scholey & Co., Wakefield; Bond & Barwick, Leeds.—Pet. d. June 5.

**WILLIAM PARRY**, Newtown, Montgomeryshire, dealer and chapman, June 20 and July 9 at 11, Liverpool: Off. Ass. Cazenove; Sols. Rogerson & Peacock, Liverpool.—Pet. f. June 2.

**RICHARD NICHOLSON**, Liverpool, stonemason, June 21 and July 12 at 11, Liverpool: Off. Ass. Bird; Sols. Evans & Son, Liverpool.—Pet. f. June 4.

**WILLIAM MELLOR** and **DAVID NORBURY**, Chorley and Alderley, Cheshire, dealers and chapmen, June 18 and July 10 at 12, Manchester: Off. Ass. Pott; Sol. Norris, Macclesfield.—Pet. f. May 29.

**GEORGE OLDFIELD** and **ROBERT OLDFIELD**, Manchester, dealers and chapmen, June 19 and July 18 at 12, Manchester: Off. Ass. Pott; Sol. Roberts, Manchester.—Pet. f. May 30.

**WILLIAM BEARDSALL**, Manchester, dealer and chapman, June 22 and July 13 at 12, Manchester: Off. Ass. Hernaman; Sol. Marriott, Manchester.—Pet. f. June 1.

**JAMES FISH**, Bury, Lancashire, dealer and chapman, June 20 and July 18 at 12, Manchester: Off. Ass. Pott; Sol. Slater, Manchester.—Pet. f. May 30.

## MEETINGS.

**Robert Parker**, Nottingham, commission agent, July 17 at 10, Nottingham, ch. ass.—*Wm. Morgan*, Osborn-st., White-chapel, licensed victualler, June 22 at half-past 12, London, last ex.—*T. Cooke*, sen., Froxfield, near Petersfield, Hampshire, cattle salesman, June 21 at half-past 1, London, last ex.—*G. Howes*, Mortimer-road, Kingsland, licensed victualler, June 21 at half-past 11, London, and ac.—*Geo. Lawrence*, Abingdon, Berkshire, saddler, June 21 at 12, London, and ac.—*Wm. Green*, Harrow-road, builder, June 21 at 2, London, and ac.

—*Charles King Witt*, New Sarum, Wiltshire, grocer, June 21 at half-past 11, London, and ac.—*John Knowles*, *Henry Rodwell*, *George Russell Parker*, and *John Thomas King*, Throgmorton-street, silk brokers, June 21 at 11, London, and ac.; June 29 at 2, div.—*Amrose Eaton*, Milk-street, Cheapside, warehouseman, June 22 at 2, London, and ac.; June 29 at 11, div.—*John Platt*, Saxmundham, Suffolk draper, June 19 at 11, London, and ac.—*John Rogers*, Lawrence Pountney-lane, commission agent, June 21 at 11, London, and ac.—*Thomas Sherratt*, Washerwall, Stoke-upon-Trent, grocer, July 11 at half-past 10, Birmingham, and ac.—*Richard Chamberlain*, Uttoxeter, Staffordshire, draper, June 20 at half-past 10, Birmingham, and ac.—*John Charles Stevens* and *Jacob Stower*, Liverpool, British wine merchants, June 19 at 11, Liverpool, and ac.—*Wm. Shaw*, Liverpool, passenger broker, June 19 at 11, Liverpool, and ac.—*Joseph Peers*, Ruthin, Denbighshire, scrivener, June 18 at 11, Liverpool, and ac.—*George Longmore* and *James Longmore*, Manchester, provision merchants, June 22 at 12, Manchester, and ac.; June 29 at 12, div.—*Gabriel Webster*, Dewbury, Yorkshire, plumber and glazier, July 2 at half-past 11, Leeds, and ac. and div.—*Wm. Clark*, Bradford, tailor, July 3 at 11, Leeds, and ac. and div.—*Henry Hill*, Gray's-inn-lane, brewer, June 29 at 12, London, div.—*John Todd Merrick*, Hereford-road, Westbourne-grove, builder, June 29 at half-past 12, London, div.—*Frederick Thomas Doddington*, Aldersgate-street, manufacturer of lace falls, June 29 at 1, London, div.—*George Tennant*, Market-street, Westminster, licensed victualler, June 29 at half-past 12, London, div.—*Robert Doak*, Hanover-place, Kew, draper, June 28 at 11, London, div.—*Anthony Maddison Todd*, Clement's-lane, Lombard-street, commission agent, June 29 at 12, London, div.—*James Abraham Smith*, Queen-st., Hammersmith, and Newport-street, Lambeth, lighterman, June 29 at 1, London, div.—*William Hoe*, Bishopsgate-street Without, stationer, June 29 at 1, London, div.—*George Clarke Pauling* and *R. Chapman Sharp*, Manchester, merchants, June 20 at 12, Manchester, div.—*James Worrall*, Bolton and Manchester, manufacturer, June 18 at 12, Manchester, div.—*Geo. Jeeves*, Sheffield, brush manufacturer, June 30 at 10, Sheffield, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Paul Sampson*, Hythe, Kent, shoemaker, June 29 at 11, London.—*Daniel Cutler* and *Thomas J. Hunter*, Regent-street, Westminster, tailors, June 29 at 12, London.—*George Jessop*, Cliftonville, Hove, Sussex, builder, June 29 at half-past 12, London.—*Stair Walker*, Boundary-road, St. John's-wood, builder, June 29 at half-past 11, London.—*Abraham P. Shaw*, Devonshire-street, Bishopsgate-street, printer, June 29 at 1, London.—*Matthew R. Steele*, Leicester, linendraper, June 29 at 11, London.—*Fred. T. Doddington*, Aldersgate-street, manufacturer of lace falls, June 29 at 1, London.—*J. W. Rymill*, Paul's-wharf, Upper Thames-street, paper agent, July 2 at 12, London.—*Richard Popham* and *George Meller*, Brentford, timber merchants, June 29 at 12, London.—*Daniel Bennett* the younger, Bristol, innkeeper, July 2 at 11, Bristol.—*Daniel Sims*, Old Furnace Bottom, near Blakeney, Gloucestershire, wire drawer, July 2 at 11, Bristol.—*Wm. England* and *Fred. H. England*, Bratton Mills, near Westbury, Wiltshire, clothiers, July 2 at 11, Bristol.—*Richard Underwood*, Leicester, hosier, July 10 at half-past 10, Birmingham.—*John Blakey* and *George Blakey*, Keighley, Yorkshire, grocers, July 2 at 12, Leeds.—*Louisa Brownell*, Bradford, innkeeper, July 3 at 12, Leeds.—*Charles Hargreaves* and *Michael Hargreaves*, Bradford, whitesmiths, June 29 at 11, Leeds.—*Joseph Webb*, Scarborough, hotel keeper, June 29 at 11, Leeds.—*Jeremiah New*, Sheffield, saw manufacturer, June 30 at 10, Sheffield, div.

To be granted, unless an appeal be duly entered.

*W. Watts*, East Cowes and West Cowes, Isle of Wight, chemist.—*Henry Butt*, Mortimer-street, Cavendish-square.—*Wm. Martin*, Newcastle-upon-Tyne, joiner.—*John D. Perry*, Sutton, near St. Helens, Lancashire, brewer.—*Thos Charlesworth*, Nottingham, plumber.—*F. R. Barratt*, Stamford, music seller.—*Robert Barber*, Phoenix-wharf, Surrey Canal Bank, Deptford, tar distiller.—*James Beaven*, Bristol, beer retailer.—*Edwin Sparrow*, Liverpool, metal broker.—*J. C. Stevens* and *Jacob Stower*, Liverpool, general merchants.

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## THE JURIST.

LONDON, JUNE 16, 1855.

THE stat. 8 & 9 Vict. c. 109, appears to have effected a material alteration in the doctrines of law which govern that extensive class of contracts known as "gaming contracts." After repealing former statutes which had declared such contracts to be *illegal*, it is enacted, by sect. 18, that "all contracts and agreements, whether by parol or in writing, by way of gaming or wagering, shall be *null* and *void*, and that no suit shall be brought or maintained in any court of law or equity for recovering any sum of money or valuable thing alleged to be won upon any wager." There is a proviso appended to this section, whereby "any subscription or contribution, or agreement to subscribe or contribute, for or towards any plate, prize, or sum of money to be awarded to the winner of any lawful game," is excepted from the operation of the act. One question arises with regard to the enacting part of the section, as to the distinction between *illegal* and merely *void* considerations. If money is paid or goods handed over on account of a wager not within the proviso, can it be recovered back? If it be a voluntary payment, or voluntary delivery, not made under any mistake of facts, it would seem that it could not be recovered, according to a well-established rule, which is independent of the legality or illegality of the consideration. But supposing elements to exist in the case which take it out of the operation of this rule, can the parties still be said to be in *pari delicto*, so as to be precluded from having recourse to the pure fountain of justice? On the one hand, it may be urged that it was not the intention of the Legislature to legalise such transactions, and that by rendering them void it has in effect declared them to be against the *policy* of the law, so as to make them in one sense *illegal*. On the other hand, it may be said that a distinction between void and *illegal* contracts was in the contemplation of the Legislature, and that this distinction has been recognised in a very recent case, (not yet reported), in which it was decided that a bill given between the original par-

ties for a gaming consideration, not within the proviso of the statute, was held not to be so tainted by illegality as to throw upon an indorsee the onus of proving that he gave consideration for it. We may here also refer to the case of *Knight v. Chambers*, (1 Jur., N. S., part 1, p. 525). That was an action for money paid; the defendant pleaded that the money was paid in respect of certain differences in the price of shares in a public company, to be paid by the defendant under wagering contracts, contrary to the 8 & 9 Vict. c. 109, which the plaintiff had made for the defendant with third persons. The Court of Common Pleas held, that as the plea did not negative the plaintiff's request, and the act made such contracts only void, and not *illegal*, the plea did not disclose any defence. The case was likened by the Chief Justice to a payment by the plaintiff, at the defendant's request, of purchase money for goods above the value of 10*l.*, the contract of purchase being void under the Statute of Frauds; and Maule, J., said, "Looking at the whole record, it appears that the plaintiff, at the request of the defendant, paid for him certain money which the defendant was not legally bound to pay, the contract he had entered into being merely void." To the same effect is *Knight v. Fitch*, (1 Jur., N. S., part 1, p. 526), which was an action for work done, commission, and money paid. The defendant pleaded that the plaintiff was a stock and share broker, and as such made certain contracts for the defendant by way of wagering, contrary to the statute, under the semblance of pretended sales respecting the future market price of certain public and other stock, &c., whereby the defendant was to receive or pay the differences between the price of the said stock on the days on which the contracts were made, and the price on certain future days, according as the price had become higher or lower, and that the causes of action arose in respect thereof. The Court of Common Pleas held that this was no defence under the statute in question, and that it disclosed no defence under the Stock-jobbing Act, 7 Geo. 2, c. 8, as it was not alleged that each contract related to public stock. Some valuable observations on the nature of the defence

attempted to be set up in these cases will be found in Mr. Hodges' work on the Law of Railways, Railway Companies, and Railway Investments, (2nd ed., pp. 126—134).

We shall return to this subject in our next number, and must for the present content ourselves with calling attention to the case of *Parsons v. Alexander*, (Q. B., June 2 and 4). It was there held to be a good defence to an account stated, that it was stated in respect of money won at billiards, the money not being placed in the hands of a stakeholder, and therefore not falling within the proviso already referred to. The Court expressed their opinion to be, that the enactment applied to gaming, or bets upon a lawful game, and extended also to the stakes of the parties engaged in the game, the proviso applying only to cases where there was a subscription, collection, or contribution to any prize, placed in the hands of a third party to be awarded to the winner.

### THE LIMITED LIABILITY BILLS.\*

We have met with a great many persons who agree in thinking that the rules of the English law applicable to the constitution of the relation of debtor and creditor by agency or procuration, from which arises the liability of dormant or non-ostensible partners, are logical deductions from the first principles of the law of contracts, and are convenient and beneficial in operation, and ought not to be altered; but among the many advocates for some alteration of those rules we have not met with one who seemed to understand the reason of them, or two who agreed as to the mode in which they should be altered. Certainly, while the existing law numbers its thousands of intelligent and practical supporters, (including, we believe, almost every mercantile name of importance in the city of London), no one of the legion of published plans for amendment has been adopted by any noticeable school or body of partisans. The Government bills have merely added to the number of schemes, and, from the necessity of the case, are equally unsatisfactory to the advocates of change and to those who would keep the law unaltered in that direction.

The Partnership Bill would enable any person to carry on any trade, other than that of banking, in the name of any other person, without being liable for the debts of the trade, subject to the following conditions:—

First, that the names, places of business, and descriptions of the irresponsible trader and his responsible agent respectively, and the amount of the capital belonging to the former, and the nature of his interest in the profits, be registered at the Office for the Registration of Joint-stock Companies.

Secondly, that every variation in the irresponsible partner's interest in the capital and profits respectively be from time to time registered; the penalty for omitting for an hour to register the repayment of 10s. of the advanced capital, or the advance of another 10s., being partnership and full liability.

Thirdly, that on the estate of the responsible trader or agent being administered in bankruptcy or insolvency, (the only reference to insolvency in the bill is the old and now insufficient expression, "taking the benefit of the Insolvent Debtors Act"), or on his death, or, in the case of a company, under the Winding-up Act, the irresponsible trader shall not make any claim in competition with the other creditors, and shall be liable to them ("the other creditors of the borrower" is the phrase, thus including his private as well as his trade creditors) to the extent of any monies received

by him out of the assets on account of his share in the capital, or of profits or interest; and all payments on account of principal are to be deemed to have been made within the year, unless registered as having been made at an earlier date. The immediate object of this provision is to encourage the registering of withdrawals of capital, under the notion that in some way the public has an interest in knowing at the earliest moment every diminution of that part of the capital which belongs to the irresponsible partners. But how it can be important to the public to know both every addition to and every deduction from the irresponsible constituency is not apparent, nor is the inquiry worth pursuing until the value of such registration for any purpose has been proved. Probably the intention was to make the registration a security to the public that the advertised amount of capital had been actually advanced, and not withdrawn; for the registrar is to require the production of the instrument for securing or manifesting the advance, or such other evidence of the advance as he shall deem sufficient. But the instrument will not prove that the advance has been actually made, and no penalty or liability is imposed in case of a misstatement.

By the other bill it is proposed to entitle the members of a joint-stock company, formed under the Joint-stock Companies Registration Act, (other than insurance companies, an amusing exception, seeing that such companies can and generally do limit their liability by the special terms of their policies), to exemption from liability for the company's debts beyond the amount of their respective unpaid subscriptions, on the following conditions:—

The nominal capital must not be less than 20,000*l.*, in shares of not less than 25*l.*

The company's name must offend every English ear by concluding with the word "limited," as thus, "The Universal Gold Washing Company, limited."

The deed of settlement must express the limitation of liability, and be executed by shareholders to the extent of three-fourths of the nominal capital, and they must pay 20*l.* per cent. on their shares before the company can be completely registered with limited liability.

Additions to the capital can only be made on the same conditions as are required for the original establishment of the company.

The company must be wound up as soon as the annual account or the auditors' report shows that three-fourths of the subscribed capital has been lost or has become unavailable from any cause. There is no explanation of the word "unavailable."

It is unnecessary to criticise the details of these bills. We have stated enough to shew that they have been prepared by persons who do not understand the subject on which they are presuming to legislate. The Companies Bill is limited to registered companies with large capitals, held in large shares—a limitation which will not be satisfactory to the majority of those who call for a change in the law; but this limitation is rendered nugatory by the provisions of the other bill, which, as we have seen, provides for the carrying on of any business, other than that of banking, (but not excluding insurance, which, with banking, is excluded from the Companies Bill), with a capital subscribed by persons who share the profits, but are not partners or liable for the debts, and whose association in any number is therefore not subject to the provisions of the Joint-stock Companies Registration Act. Under that bill, therefore, all the small companies and undertakings excluded from the Companies Bill might be established and carried on with limited liability, and without any of the checks (the salutary checks, as we presume to characterise them) of the Joint-stock Companies Registration Act.

\* From a correspondent.

## GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

**LINCOLN'S INN.**—F. W. E. Stiffe, Esq.; W. T. McCullugh, Esq., LL.B.; R. S. Borland, Esq., M.A.; H. Searth, Esq.; P. L. Schluter, Esq., M.A.; W. Angell, Esq., B.A.; C. F. Cadiz, Esq., B.A.; F. W. Earle, Esq., B.A.; J. P. Yeatman, Esq.; G. Udny, Esq.; J. K. Aston, Esq.; C. A. L. Loreng, Esq.

**INNER TEMPLE.**—Walter Robinson, Esq., (certificate of honour); T. A. Farrell, Esq.; B. G. Norton, Esq., Trin. Coll., Dublin; P. R. Crook, Esq.; C. J. Murch, Esq., B.A.; J. S. Ogle, Esq., B.A.; B. H. W. Way, Esq.; J. B. Kinnear, Esq.; H. B. Ince, Esq.; J. Mackonochie, Esq.; G. T. Tomlin, Esq.; W. R. D. Salmon, Esq.; G. C. Paul, Esq., B.A.; W. Patchett, Esq., B.A.

**MIDDLE TEMPLE.**—Edward Howley, Esq., (certificate of honour); Henry Gillett Gridley, Esq.; Henry Rutherford, Esq., (certificate of honour); Robert Mortimer Montgomery, Esq.; Andrew Steinmetz, Esq., (certificate of honour); Joseph Park, Esq., (certificate of honour).

**GRAY'S INN.**—Edward Dundas Holroyd, Esq., M.A.

## REGULA GENERALIS.

## GENERAL ORDER

MADE IN PURSUANCE OF "THE BANKRUPTCY ACT, 1854."  
May 19, 1855.

## SCHEDULE.

(Concluded from p. 228).

*Composition after Bankruptcy, (Sect. 230).*

Instructions for meeting of creditors to consider offer of composition .. .. .	0	6	8
Drawing advertisement and fair copy, per folio 1s. .. .	0	6	8
Attending to insert same in Gazette .. .. .	0	6	8
Paid insertion .. .. .			
Attending meeting, drawing resolution of creditors, and memorandum, when nine-tenths present assented and signed their assent, and second meeting appointed .. .. .	1	0	0
Clerk attending .. .. .	0	5	0
Paid court fee, (London); and attending .. .. .	0	13	10
Drawing advertisement of second meeting, per folio 1s. .. .	0	6	8
Attending to insert same in Gazette .. .. .	0	6	8
Paid .. .. .			
Attending meeting, when nine-tenths present assented to offer, and signed their assent in writing .. .. .	1	0	0
Clerk .. .. .	0	5	0
Paid court fee, (London), and attending .. .. .	0	13	10
Drawing petition to annul, per folio 1s. .. .			
Ingrossing, per folio 4d. .. .. .	0	6	8
Attesting petitioner's signature .. .. .	0	6	8
Instructions for affidavit in support of petition .. .. .	0	6	8
Drawing same, per folio 1s. .. .. .			
(See note, ante, p. 223, marked thus *).			
Ingrossing, per folio 4d. .. .. .	0	6	8
Attending to file petition and affidavits .. .. .	0	6	8
Attending court, order made to annul on payment of amount of composition .. .. .	0	13	4
Drawing order and fair copy, per folio 1s. .. .. .	0	6	8
Attending settling order .. .. .	0	6	8
Ingrossing order, per folio 4d. .. .. .	0	6	8
Attending to pass same .. .. .	0	6	8
Court fee on petition, and attending, (London) .. .. .	0	13	10
Affidavit of conformity .. .. .	0	6	8
Attending to be sworn .. .. .	0	6	8
Paid oath .. .. .	0	5	0
Letters, &c. .. .. .	0	5	0

*Costs of personal Service of Notice on Creditors residing Abroad, (Sect. 231).*

Drawing notice to serve on creditors abroad .. .. . 0 | 5 | 0 |

Copy for service, each .. .. .	0	1	0
Drawing and ingrossing affidavit of personal service for agent to swear .. .. .	0	6	8
Writing agent, with special instructions as to service and affidavit .. .. .	0	5	0
Paid agent's charges for service, &c. .. .. .			

## Costs of Taxation.

Appointment to tax, copy and service .. .. .	0	5	0
(This item is not allowed on ex parte taxations).			
Attending taxing, (amount at the discretion of the taxing officer) .. .. .			
Court fee on taxation, and attending, (London) .. .. .	0	13	10
Paid for allocatur stamp .. .. .			

## Allowances to Witnesses per Day, inclusive of all except Travelling Expenses.

	If resident in the town in which the Court is held.			If resident at a distance from the Court, subsistence in these cases included.		
	s.	d.		s.	d.	
1. Bankers, merchants, esquires, and gentlemen .. .. .	1	1	0	1	1	0
2. Professional men .. .. .	1	1	0	to		
3. Auctioneers and accountants .. .. .	1	1	0	2	2	0
4. Notaries .. .. .	1	1	0	2	2	0
5. Engineers and surveyors .. .. .	1	1	0	3	3	0
6. Clerks of attorneys or other persons .. .. .	0	10	6	1	1	0
7. Master tradesmen, shopkeepers, yeomen farmers .. .. .	0	10	4	to		
8. Artisans, mechanics, &c. .. .. .	0	7	6	3	3	0
9. Females, according to station in life .. .. .	0	5	0	to		
10. Police inspector .. .. .	0	5	0	0	10	0
11. Police constable .. .. .	0	3	0	1	11	6

The travelling expenses of the first five classes of witnesses will be allowed at the rate of 7d. per mile, and the others at 5d. per mile one way, or travelling expenses actually incurred, in the discretion of the taxing officer; the travelling expenses of female witnesses, 7d. or 5d., according to their station.

Governors of gaols bringing up prisoners .. .. .	0	10	6	1	1	0
				1	11	6

Travelling expenses of gaoler bringing up prisoner under warrant, in addition to the above allowance, 7d. per mile one way for each, (himself and prisoner), or the amount actually paid, and for the prisoner's safe custody and refreshment, in the discretion of the taxing officer.

## Costs of Petition, under the 7 &amp; 8 Vict. c. 70.

Instructions for petition .. .. .	1	0	0
Search for prior petition, and paid .. .. .	0	7	8
Drawing petition, proposal, and schedule to annex, per folio 1s. .. .. .			
Fair copy, per folio 4d. .. .. .	0	2	6
Paid for parchment .. .. .	0	2	6
Attending reading over and attesting same by petitioner .. .. .	0	6	8
Attending attesting signatures of concurring creditors, each .. .. .	0	6	8
Affidavit of verification of petition .. .. .	0	6	8

Drawing affidavit of witnessing creditors' signatures, per folio 1s.	
Fair copy, per folio 4d.	
Attending to be sworn .. .. .	0 6 8
Attending to file petition and affidavits, and to ballot for commissioner .. .. .	0 6 8
Copies petition for the court, per folio 4d. each.	
Attending commissioner for appointment for private examination prior to appointing first meeting of creditors .. .. .	0 6 8
Attending commissioner on private examination, when he examined petitioner and witnesses, and appointed first meeting of creditors .. .. .	0 13 4
Summons, and summoning the witnesses to such examination, each .. .. .	0 6 8
Making list of creditors with addresses for messenger, per folio 4d.	
Attending him, instructing him as to service .. .. .	0 3 4
Attending first meeting of creditors when the requisite number assented to the proposal, and second meeting appointed, and clerk .. .. .	1 5 0
Making list of creditors with addresses to be personally served with notice of second meeting, per folio 4d.	
Attending messenger, instructing him as to service. .	0 3 4
The messenger being unable to serve several of the creditors personally, instructions for affidavit to ground application to commissioner for substituted service .. .. .	0 6 8
Drawing same and fair copy, per folio 1s.	
Attending to be sworn .. .. .	0 6 8
Oath .. .. .	
Attending commissioner when application granted .. .. .	0 13 4
Attending second meeting of creditors when proposal assented to and a trustee was appointed, self, and clerk .. .. .	1 5 0
Several attendances on official assignee as to his report of the several meetings, and to procure appointment for the commissioner to consider the same .. .. .	0 13 4
Attending court when report confirmed and certificate of protection granted .. .. .	1 0 0
Attending taxing .. .. .	0 6 8
Letters, &c. .. .. .	0 10 0

## GENERAL RULES.

- Solicitors not residing where the court sits will not be allowed for loss of time or travelling expenses in attending a sitting of the court personally, instead of by agent, unless they obtain from the court, before or at the time, its sanction for their personal attendance, and a memorandum from the registrar of such sanction. The usual agency charges will be allowed.  
Solicitors attending as such, per day .. .. . 2 2 0  
If from a distance, for subsistence .. .. . 1 1 0  
(Or in the discretion of the taxing officer, and travelling expenses 7d. per mile, or the sum actually paid).
- More than one attendance to open petition will not be allowed unless ordered by the court, and memorandum be obtained to that effect from the registrar.
- Attendances upon the court for necessary purposes not included in the foregoing scale, each .. .. . 0 6 8  
Attending court on each sitting, not otherwise provided for .. .. . 1 0 0  
Clerk's attendance at each sitting, when required .. .. . 0 5 0  
If by agent .. .. . 2 5 0
- Summons and service, each witness .. .. . 0 6 8  
If the distance be more than three miles, 5d. per mile extra, or a further sum, in the discretion of the taxing officer, according to circumstances.  
In cases of great distance, the service must be by agent, unless otherwise sanctioned.
- General attendances, each .. .. . 0 6 8  
Long and special attendances .. .. . 0 13 4  
(Or more, in the discretion of the taxing officer).
- Writing letters, each, special .. .. . 0 5 0  
Ditto, common .. .. . 0 3 6  
Ditto, circulars .. .. . 0 1 6  
(If above twenty, 1s. each; if numerous, they must be printed).

- Drawing advertisements and copy, not exceeding five folios .. .. . 0 6 8  
Exceeding five folios, 1s. per folio .. .. .  
Attendances to insert advertisements, (see note, ante, p. 223) .. .. . 0 6 8  
Adjourned sittings are not to be advertised unless specially ordered by the court.
- Extra allowances for length of sittings, or other increased allowances, must have the sanction of the court, and a memorandum to that effect obtained from the registrar, or all such charges will be disallowed.
- Vouchers must be produced on taxation for all payments, or they will be disallowed.
- Bills of costs must be written upon draft paper lengthwise, on one side only, and dates must be furnished to each item, such dates not to be written in the margin, which is to be left clear for taxation.
- Ordinary Gazette advertisements of the sittings of the court to be prepared by the messenger, and inserted by him; special and other advertisements by the solicitor.
- In very special cases, where counsel are not instructed to appear in court, a charge by the solicitor for the preparation of minutes of fact or evidence for his own use will be allowed, if so ordered by the court.
- No charge is to be allowed for making copies for solicitors of their own bills of costs either before or after taxation, or for any unnecessary copies of proceedings.
- In office copies each folio is to be counted and enumerated; each figure to count as one word.

## MESSENGER'S COSTS.

## To Choice of Assignees.

- |  |        |
|--|--------|
| Attending court until adjudication, and preparing warrant of seizure, and duplicate or duplicates, and all necessary papers .. .. .  | 0 10 0 |
| Executing warrant of seizure, at each distinct place where property seized .. .. .   | 0 13 4 |
| Or an attendance fee in the discretion of the taxing officer .. .. .   |        |
| Making inventory of books and papers seized, delivering the books, papers, and inventory to the official assignee, and taking receipt from him for each book and bundle of papers, such receipt to be produced .. .. . | 0 0 6  |
| But the whole charge not to exceed .. .. .   | 0 10 0 |
| Service of duplicate adjudication on bankrupt and affidavit of service .. .. .   | 0 5 0  |
| Preparing summons to surrender, and service of same on bankrupt .. .. .  | 0 6 8  |
| Preparing advertisement for the Gazette, and attending to insert same .. .. .  | 0 6 8  |
| Paid insertion .. .. .   |        |
- (No charge to be made for Gazette).
- |  |       |
|--|-------|
| Possession from the day of executing the warrant of seizure, per day .. .. .   | 0 5 0 |
| (4s. of which is to be paid to the man in possession, and his receipt for same to be produced).                                  |       |
| Notice to the solicitor of sitting for choice of assignees, and service thereof, attending the sitting, pens, paper, &c. .. .. . | 0 2 6 |
| Notice of taxing, and service when required by the taxing officer to be given .. .. .  | 0 2 0 |
| Allocatur stamp .. .. .  |       |

## Costs to Audit.

- |   |       |
|---|-------|
| Notice to solicitor of sitting for final examination and service, attending the sitting, and supplying pens, paper, &c. .. .. .                       | 0 2 6 |
| Preparing advertisement of audit, and attending to insert same in Gazette .. .. .   | 0 6 8 |
| Paid .. .. .  |       |
| Preparing summons for assignees, (whether one estate, or joint and separate estates), and service thereof on assignees, (whether one or more) .. .. . | 0 7 0 |
| Notice to solicitor of audit sitting, attending same, supplying pens, paper, &c. .. .. .  | 0 2 6 |
| Notice of taxing, (when required) .. .. .   | 0 2 0 |
| Paid for allocatur stamp .. .. .  |       |

## Costs of Dividend Sitting.

- |  |       |
|--|-------|
| Preparing advertisement of dividend meeting, and attending to insert same in Gazette .. .. . | 0 6 8 |
|--|-------|

Preparing summons for assignees, service thereof, (whether one or more assignees), and the like on bankrupt, with affidavit of service if required	0 10 0
Notice to solicitor of dividend sitting, attending same, and supplying pens, paper, &c.	0 2 6
Paid for allocatur stamp	.. .. .

*Costs of Certificate Sitting.*

Preparing advertisement of sitting for certificate, and attending to insert same in Gazette	0 6 8
Paid insertion	.. .. .
Notice to solicitor of sitting for certificate, service thereof, attending sitting, supplying pens, paper, &c.	0 2 6
Preparing advertisement of allowance of certificate, and attending to insert same	0 6 8
Paid insertion	.. .. .

*Costs under Petition for Arrangement.*

Attending court when petition filed, and after, until protection granted	0 10 0
Taking instructions from solicitor as to service of notice to creditors of first sitting, filling up notices, and serving same, each creditor, including affidavit of service	0 1 0
Attending first sitting, pens, paper, &c.	0 2 6
Taking instructions from solicitor as to personal service of notice of second sitting on creditors who did not attend first sitting, filling up notices, and serving same personally, each creditor, including affidavit of service	0 3 0
If by agent, charges in the discretion of the taxing officer.	.. .. .
Attending second sitting, pens, paper, &c.	0 2 6
Notice of taxation, when required	0 2 0
Paid for allocatur stamp	.. .. .

*General Rules as to Messenger's Bills.*

Notice to solicitor of each public sitting, and service thereof, attendance at every sitting, and supplying pens, paper, &c.	0 2 6
Preparing warrant to bring up bankrupt from prison to surrender, or to be examined, attending for commissioner's signature, transmission thereof by post, unless personal service on the gaoler be specially ordered	0 13 4
Preparing warrant for arrest of bankrupt or witness, or any other person	0 13 4
(Special warrants will be prepared by the solicitor).	.. .. .
Executing warrant for arrest	1 0 0
Notice of taxing and service, when required by the taxing officer, to be given to the solicitor or assignees	0 2 0
If, in the execution of any of the business of messenger, he or his principal assistant, or his man, be directed to travel any considerable distance, the following additional charges will be allowed :—	.. .. .

For the messenger's time, per day	1 0 0
Expenses of subsistence (when travelling)	0 10 0

For the messenger's travelling expenses, see Scale of Allowances to Witnesses, (ante, p. 235); the higher scale of 7d. per mile for the messenger, and the lower scale of 5d. per mile for his principal assistant or man; if by water conveyance, the sum paid.

For the messenger's principal assistant, for his time per day	0 10 0
Ditto expenses of subsistence when travelling	0 7 6
Ditto travelling expenses as above	.. .. .
For the messenger's man's time per day, when travelling	0 5 0
Ditto expenses of subsistence when travelling	0 5 0
Ditto travelling expenses, as per Scale for the Witnesses, (see ante, p. 235), at the lower rate	.. .. .
Bed hire for the man in possession, where there is no bed on the premises, per night	0 0 6
For summoning debtors, each debtor when required	0 1 0

*Broker's Allowance.*

For inventory and valuation of excepted articles, to the extent of 20l., 5l. per cent. on the value	.. .. .
For inventory and valuation (if ordered by the court) of the remainder of the household furniture,	.. .. .

tools, and implements of trade, or of such part of such remainder as aforesaid as may be embraced in the order—

For the first 100l.	.. .. .	2 10 0
For the next 400l., per cent.	.. .. .	1 5 0
All above	.. .. .	1 0 0

(This allowance to include all expenses, and any travelling within five miles of the court, and a fair copy of the inventory).

For inventory of the stock-in-trade, and effects not included in the above, and also of such of the household furniture, tools, and implements of trade, for a valuation of which no order is made by the court, a sum in the discretion of the registrar of the court from 10s. 6d. to 21l., according to the time and labour necessarily employed, and without reference to the number of items; and no further allowance will be made to the broker for any such inventory without the special order of the court, and no allowance will be made to the broker for an inventory of any estate or effects of the bankrupt, which is afterwards sold by such broker under the direction of the trade assignees: in such cases the allowance of the broker is deemed to be included in his charge as auctioneer

No allowance whatever will be made to the broker for any inventory not made and completed forthwith after the adjudication of bankruptcy, and before the sitting appointed for the choice of assignees, and produced to the court at such sitting.

Broker's travelling expenses will not be allowed in any case beyond forty miles; the rate of allowance to be 7d. per mile.

*Auctioneer's Charges, including all Expenses of Sale.*

Sales by auction of goods, chattels, and effects :—

10l. per cent. on the first 100l.	.. .. .
After to 1000l.	5l. per cent.
After to 5000l.	2l. 10s. per cent.
After to 10,000l.	1l. 5s. per cent.

If the above be sold by valuation, 2l. 10s. per cent. on the first 1000l., and 1l. 5s. per cent. beyond.

Sales by auction, of estates, freehold, leasehold, &c.:—

5l. per cent. on the first 300l.	.. .. .
After to 1000l.	2l. 10s. per cent.
After to 5000l.	1l. per cent.
After to 10,000l.	10s. per cent.

If the above be sold by valuation, half the above charges; and if not sold, the expenses to be paid, and fee to the auctioneer to be allowed at the discretion of the taxing officer; or if bought in, and subsequently sold by private contract, by the negotiation of the auctioneer, half the above charges on sales by auction.

Farming stock, 5l. per cent. on the first 100l., and 2l. 10s. on the remainder. When sold by valuation, half the above charges.

*Sales of Stock by Tender.*

Not above 400l.	.. .. .	4l. per cent.
Above 400l. and under 1000l.	.. .. .	3l. 10s. per cent.
Above 1000l. and under 2000l.	.. .. .	2l. 10s. per cent.
Above 2000l. and under 5000l.	.. .. .	2l. per cent.
Above 5000l., and upwards	.. .. .	1l. 15s. per cent.

Expenses to be allowed, such as advertisements and printing, not exceeding 2l., or at the discretion of the taxing officer.

*Accountant's Charges.*

For preparing balance-sheet, investigating accounts, &c., principal's time, per day of eight hours, including necessary affidavit	.. .. .	2 2 0
Chief clerk's time	.. .. .	1 1 0
Other clerks' time, per day of eight hours	.. .. .	0 10 6
		to 0 15 0

CRANWORTH, C.  
J. L. KNIGHT BRUCE, L. J.  
G. J. TURNER, L. J.  
EDWARD HOLROYD.  
EDWARD GOULBURN.

## FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 216).

## IV.—PROCEDURE—(Continued).

**Person.]**—An order for commitment cannot be obtained as a matter of course, but only on a special application to the judge in court. This order may be obtained at the hearing immediately after judgment, when the debt appears to have been fraudulently contracted, or the defendant has been guilty of some other misconduct specified in the act of Parliament, and dwells or carries on business in the district of the court; or it may be obtained on the hearing of a summons taken out in the district where the defendant dwells or carries on his business at the time of applying, without regard to the district in which the judgment was obtained. The summons requires the debtor to appear and be examined, and intimates that if he do not appear the court may proceed in his absence. In addition to the other grounds of committal already referred to is that of non-payment of the demand, if the defaulter be possessed of means to pay. If the defendant undergo the imprisonment awarded under the order for commitment, the debt is not satisfied or extinguished, and he may, at the discretion of the judge, in certain cases of subsequent default, be committed for any number of successive periods, not exceeding forty days each, until payment is enforced. Moreover, it seems the debtor is not protected from this proceeding by a discharge under an insolvent act, and no protection, order, or certificate granted by any court of bankruptcy, or for the relief of insolvent debtors, is available to discharge a party from such a commitment.

**Transmission of Process.]**—When the defendant removes from the home district, the process is transmitted, like other process, to the high bailiff of the foreign district.

**Prison.]**—The warrant of commitment orders the bailiff to convey the body of the debtor to prison. This prison is the common gaol of the county or place in which the defendant is resident, and which is used for the confinement of debtors in execution under the process of the superior courts, or in some other place of confinement in the county allowed for that purpose by order of the Secretary of State. The Secretary of State has, however, in very few instances exercised his power of allowing places of confinement other than the common gaol of the county to be used for the purposes of the county court.

**Staying Execution.]**—It is competent for the judge, on sufficient cause shewn, to stay a judgment or an execution, but neither can be stayed or reversed by writ of error, or superedeas thereon.

II.—Next as to the practice where the claim exceeds 20*l.*, but does not exceed 50*l.*

**Appeal.—Notice.]**—In these cases the practice and proceedings are the same in all respects, except that if either party be dissatisfied with the determination or direction of the court in point of law, or upon the admission or rejection of evidence, he may appeal to one of the superior courts of common law at Westminster, on depositing the amount of the judgment, or on giving security, to be approved by the clerk of the court, for the amount of the judgment and costs, or costs only, as the case may be. Of this appeal notice must be given to the opposite party within ten days after the determination or direction of which complaint is made. A case containing a statement of the facts is then prepared by the parties, which must be signed by the judge. If the parties cannot agree, the judge settles the case. It is then transmitted by the appellant to the proper officer of the court selected as the court of appeal. The

appeal is set down for argument, and is disposed of as part of the ordinary business of the court. The court of appeal may either order a new trial on such terms as it thinks fit, or may order judgment to be entered for either party, and may make such order with respect to the costs of the appeal as it thinks proper. Those orders are final. The court of appeal sometimes remits the case to the judge for the purpose of amendment.

III.—The jurisdiction in cases where the claim exceeds the sum of 50*l.*, or where questions not within the ordinary jurisdiction of the court are submitted to its decision, is only given by consent.

**Consent.]**—The mode of giving this consent is by the parties or their attorneys signing a memorandum of agreement, in which they state that they know the cause of action to be above the sum of 50*l.*, or that the title will come in question in the action. This memorandum is filed with the clerk of the court at the time of entering the plaint. The proceedings in the action are then the same, and conducted in the same manner as in the two classes of claims already mentioned.

**Verdict.]**—It is to be observed that all local actions brought by consent within the jurisdiction of the county court must be brought and tried in that district in which the lands, tenements, or hereditaments, or some part of them, in respect of which the action is brought, are situated.

*Replevin.*

**Plaint.—Particulars.—Summons.]**—In this peculiar form of action, in cases of distress for rent in arrear or damage feasant, a new mode of proceeding has been introduced, compounded partly of the mode formerly existing and partly of certain conditions introduced by the statute. Where the distress has been made either for rent or for damage, the practice still continues of applying to the sheriff or the replevin clerk to replevy; and a bond with sureties in the usual form is still required, except that part of the condition is to prosecute the suit in the statutory county court. The replevisor must then, in fulfilment of the condition of his bond, enter his plaint in the county court in the district wherein the distress was taken. On entering the plaint the plaintiff must give to the clerk a sufficient number of copies of particulars of the goods and chattels which he alleges to have been wrongfully taken. A summons is then issued in the usual way, and the case proceeds to hearing like any other claim. A difference resulting from the nature of the proceeding of course exists in the judgment. If the distress was for rent in arrear, the judgment, whether for the plaintiff or the defendant, is the same as may be obtained in the superior courts of common law. If the distress was for damage feasant, the judgment for the plaintiff is the same as in the superior courts; but if the defendant succeeds, the judge or jury may assess the amount of damages done by the plaintiff's trespass, and the judgment may be in the alternative for a return, or for the damage so assessed. The decision of the court, whatever the amount of property distrained, or whatever questions of law arise in the course of the inquiry, is final.

This is the course of proceeding in actions of replevin, where the case is left to the decision of the county court.

(To be continued).

## BILLS IN PROGRESS.

## ABSTRACT OF A BILL

(Prepared and brought in by Mr. Fitzroy, Mr. Bouvée, and Viscount Palmerston)

## To amend the Law of Partnership.

Sect. 1. This act may be cited for all purposes as "The Partnership Amendment Act, 1855."

2. No person who may hereafter, in manner authorised by this act, lend any money to any other person not being a



banker, or to any partnership or company not being a banking partnership or company, shall be deemed to be a partner with the person or a member of the partnership or company borrowing such money, by reason of his receiving or being entitled to receive a portion of the profits made by such person, partnership, or company so borrowing, or a sum varying according to the amount of such profits, either in lieu of, or in addition to, any interest for or on account of such loan, or by reason of any agreement to bear any portion of the loss which may be sustained by such person or partnership in any trade or business carried on by him or them.

3. A loan shall be deemed to have been made in manner authorised by this act whenever the following particulars in respect thereof have been registered at the office for the registration of joint-stock companies in London in cases where the borrower is resident in England, and at the office for the registration of joint-stock companies in Dublin in cases where the borrower is resident in Ireland; that is to say,

The name, place of business, and description of the lender:

The name, place of business, and description of the borrower:

The amount of the loan:

The proportion of profits, interest, or sum, varying according to the amount of profits, payable in respect of such loan:

And if any material omission or misstatement is made in any of the above particulars, such loan shall be deemed not to have been made in manner authorised by this act.

4. Whenever any variation is made in the amount of any registered loan, or in the amount of the profits, interest, or sum payable in respect thereof, or whenever such loan is renewed, such variation or renewal shall be deemed to constitute a new loan, and to require registration accordingly.

5. The following rules shall be observed with respect to the registration of loans:—

- (1). The registrar shall provide proper books for the purpose of registering such loans as aforesaid, but all entries therein shall be in such form as may from time to time be directed by the Lords of the Committee of Privy Council for Trade, hereinafter called the Board of Trade:
- (2). Before registering any loan, the registrar shall require the production of the instrument for securing or manifesting the same, and the profits, interest, or sum payable in respect thereof, or such other evidence of such loan as he shall deem sufficient, and shall stamp the instruments so produced with the seal of his office:
- (3). In case of a loan, or any part thereof, being repaid, the registrar shall, on application being made to him, and proof shewn of the fact, make an entry to that effect in the register book, specifying in such entry the date of the application; and the date so entered shall for the purposes of this act be considered the date of the repayment of the loan, or part of loan, as the case may be:
- (4). The registrar, if so required by the Board of Trade, shall, in the case of loans registered in England, advertise in the London Gazette, and in the case of loans registered in Ireland, advertise in the Dublin Gazette, the repayment of a loan, or any part thereof, in such manner as the Board of Trade may direct:
- (5). There shall be charged in respect of the entry of any registered loan, or of any such variation or discharge as aforesaid, a fee of 5s. in cases where the loan does not exceed 100l., and a fee of 10s. in cases where the loan exceeds 100l., or such other fees as may from time to time be directed by the Commissioners of her Majesty's Treasury:
- (6). Every person may, on payment of a fee of 1s., have access to the registry books of loans, for the purpose of inspection, at any reasonable time during the hours of official attendance of the registrar, and may require a copy or extract of any entry therein, to be certified by the registrar; and there shall be paid for such certified copy or extract a fee of 1s., and a further fee, not exceeding 6d., for each folio of such copy or extract beyond the first folio; and in all courts of

law and equity, and elsewhere, every such copy of extract so certified shall be received in evidence without proof of the signature thereto, or of the seal or office affixed thereto.

6. In the event of a borrower being adjudged a bankrupt, taking the benefit of the Insolvent Debtors Act, or dying in insolvent circumstances, or if such borrower is a company in the event of its being declared bankrupt, or of an order being made for winding it up, a lender of a registered loan shall not be entitled to receive any portion of his principal, or of the profits, interest, or sum payable in respect of such loan, until the claims of the other creditors of the borrower have been satisfied; and in addition thereto he shall be liable to make good to the other creditors of the borrower any deficiency of assets to the extent of all sums of money or other benefit received by him during the year immediately preceding any such event as aforesaid, on account of the principal of such loan, or on account of the profits, interest, or sum payable in respect of the same, but the principal of such loan which shall have been repaid shall be deemed to have been repaid within such year, unless the date of repayment shall appear by the register to have been prior to the period of such year.

7. No person employed by any person, partnership, or company, as agent, factor, servant, or in other like capacity, shall be deemed to be a partner by reason of his receiving, in lieu of or in addition to wages for his service, a portion of the profits made by such person or partnership, or a sum varying according to the amount of such profits.

8. This act shall not apply to Scotland.

#### ABSTRACT OF A BILL

(Prepared and brought in by Mr. Fitzroy, Mr. Bouverie, and Viscount Palmerston)

*For limiting the Liability of Members of certain Joint-stock Companies.*

Sect. 1. Any joint-stock company to be formed under the act of the 8 Vict. c. 110, (other than an insurance company), having a capital stock of the nominal amount of not less than 20,000l., divided into shares of a nominal value not less than 25l. each, may obtain a certificate of complete registration with limited liability upon complying with the conditions following, in addition to doing all other matters and things now required in order to obtain a certificate of complete registration; that is to say,

- (1). The promoters shall state on their returns to the office for provisional registration that such company is proposed to be formed with limited liability:
- (2). The word "limited" shall be the last word of the name of the company:
- (3). The deed of settlement shall contain a statement to the effect that the company is formed with limited liability:
- (4). The deed of settlement shall be executed by shareholders holding shares to the amount, in the aggregate, of at least three-fourths of the nominal capital of the company, and there shall have been paid up by each of such shareholders, on account of his shares, not less than 20l. per centum:
- (5). The payment of the above per-centage shall be acknowledged in or indorsed on the deed of settlement, and the fact of the same having been bona fide so paid shall be verified by a declaration of the promoters, or any two of them, made in pursuance of the act made in the 6 Will. 4, c. 62:

And upon such conditions being complied with, and such other matters and things done, the registrar of joint-stock companies shall grant a certificate of complete registration with limited liability to such company.

2. Any joint-stock company, except as aforesaid, completely registered under the said act of the 8 Vict. c. 110, and having a capital stock of the nominal amount of not less than 20,000l., may obtain a certificate of complete registration with limited liability, in manner and subject to the conditions following; that is to say,

The directors of such company may, with the consent of at least three-fourths in number and value of its shareholders present at any general meeting summoned for that purpose, make such alteration in the name, nominal value of shares, and deed of settlement of the company as may be necessary for enabling it to comply with the conditions

hereinbefore mentioned with respect to joint-stock companies seeking to obtain certificates of complete registration with limited liability; and upon compliance with such conditions, the registrar shall grant to such company, by its new name, a certificate of complete registration with limited liability; and thereupon all privileges and obligations hereby attached to companies with limited liability, their shareholders, directors, and officers, shall attach to the company named in such certificate, its shareholders, directors, and officers.

3. Every company that has obtained a certificate of complete registration with limited liability shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible, and shall have its name engraven in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of such company.

4. If such company do not paint or affix, and keep painted or affixed, its name in the manner aforesaid, each of the directors thereof shall be liable to a penalty not exceeding 5*l.* for not so painting or affixing its name, and for every day during which such name is not so kept painted or affixed; and if any director or other officer of the company, or any person on its behalf, use any seal purporting to be a seal of the company whereon its name is not so engraven as aforesaid, or issue or authorise the issue of any notice, advertisement, or other official publication relating to the business of the company, wherein its name is not mentioned in the manner aforesaid, he shall be liable to a penalty of 50*l.*

5. No increase to be made in the nominal capital of any company that has obtained a certificate of complete registration with limited liability shall be advertised or otherwise treated as part of the capital of such company until it has been registered with the registrar of joint-stock companies; and no such registration shall be made unless a deed is produced to the registrar, executed by shareholders holding shares of the nominal value of not less than 25*l.*, to the amount in the aggregate of at least three-fourths of the proposed increased capital of the company, nor unless it is proved to the registrar, by such acknowledgment and declaration as hereinafter mentioned, that upon each of such shares there has been paid up by the holder thereof an amount of not less than 20*l.* per centum; and if any such increase of capital as aforesaid be advertised or otherwise treated as part of the capital of the company before the same has been so registered, every director of such company shall incur a penalty of 50*l.*; and the payment of the above per-centage shall be acknowledged in or indorsed on the deed so produced, and the fact of the same having been bona fide so paid shall be verified by a declaration of the directors, or any two of them, made in pursuance of the said act made in the 6 Will. 4, c. 62.

6. The members of a joint-stock company which has so obtained a certificate of complete registration with limited liability, after such certificate is granted, notwithstanding the provisions contained in the said act of the 8 Vict. c. 110, shall not be triable\* under any judgment, decree, or order which shall be obtained against such company, or for any debt or engagement of such company, further or otherwise than is hereinafter provided.

7. If any execution, either at law or in equity, shall have been issued against the property or effects of the company, and if there cannot be found sufficient wherewith to levy such execution, then such execution may be issued against any of the shareholders to the extent of their shares respectively in the capital of the company not then paid up: provided always, that no such execution shall issue against any shareholder except upon an order of the court in which the action, suit, or other proceeding shall have been brought or instituted, made upon motion in open court, after sufficient notice in writing to the persons sought to be charged; and upon such motion such court may order execution to issue accordingly; and for the purpose of ascertaining the names of the shareholders, and the amount of capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the register of shareholders without fee.

8. Where any company completely registered under the

said act of the 8 Vict. c. 110, shall obtain a certificate of complete registration with limited liability, the grant of such certificate shall not prejudice or affect any right which previously to the grant of such certificate has accrued to any creditor or other person against the company in its corporate capacity, or against any person then being or having been a member of such company, but every such creditor or other person shall be entitled to all such remedies against the company in its corporate capacity, and against every person then being or having been a member of such company, as he would have been entitled to in case such certificate had not been obtained.

9. No alteration made by virtue of this act in the name of any company shall prejudice or affect any right which previously to such alteration has accrued to such company as against any other company or person, or which has accrued to any other company or person as against such company, but every such company as against any other company or person, and every other company or person as against such company and the members thereof, shall be entitled to all such remedies as they or he would have been entitled to if no such alteration had been made; and no such alteration shall abate or render defective any legal proceeding pending at the time when such alteration is made.

10. In the case of any company which has obtained a certificate of limited liability, whenever, on taking the yearly accounts of such company, or by any report of the auditors thereof, it appears that three-fourths of the subscribed capital stock of the company has been lost, or has become unavailable in the course of trade, or from the insolvency of shareholders, or from any other cause, the trading and business of such company shall forthwith cease, or shall be carried on for the sole purpose of winding up its affairs, and the directors of such company shall forthwith take proper steps for the dissolution of such company, and for the winding up of its affairs, either by petition to the Court of Chancery, or by exercise of the powers of the deed of settlement, or by such other lawful course as they may think most fit.

11. If any company whose trading and business ought under the last immediately preceding section of this act to have ceased continues after that time to carry on any trading or business, except for the sole and bona fide purpose of winding up its affairs, every director of such company shall be liable to a penalty not exceeding 50*l.* for every week during which such business is so unlawfully carried on.

12. Every pecuniary penalty imposed in pursuance of this act shall be deemed a debt due to the Crown, and shall be recoverable accordingly.

13. This act shall, so far as is consistent with the contents and subject-matter thereof, be taken as part of and construed with the said act of the 8 Vict. c. 110, and the 11 Vict. c. 78; and all the provisions of the said acts, save in so far as they are varied by this act, shall apply to persons and companies applying for or obtaining a certificate of complete registration with limited liability.

14. This act shall not apply to Scotland.

15. This act may be cited for all purposes as "The Limited Liability Act, 1855."

## COURT OF QUEEN'S BENCH.

TRINITY TERM.—18 VICTORIA.—June 7, 1855.

This Court will, on Monday, the 18th day of June instant, and two following days, hold sittings, and will at such sitting proceed in disposing of the cases remaining in the Special, Crown, and New Trial Papers; such cases from the country as may remain in the New Trial Paper will be first taken.

BY THE COURT.

## COURT OF COMMON PLEAS.

TRINITY TERM.—18 VICTORIA.—June 8, 1855.

This Court will, on Monday, the 25th day of June instant, hold a sitting, and will proceed to give judgment in the cases that will then be standing over for the consideration of the Court.

JOHN JERVIS.

\* Sic.

## PETITION DISMISSED.

*John Kitching*, Clayton, Bradford, Yorkshire, manufacturer.

## TUESDAY, June 12.

## BANKRUPTS.

**THOMAS SCULLY** and **EDWARD SCULLY**, Curtain-road, Shoreditch, wholesale cheesemongers, June 21 at 1, and July 25 at half-past 12, London: Off. Ass. Pennell; Sols. J. & W. Galsworthy, 12, Old Jewry-chambers, London.—Pet. f. June 7.

**WILLIAM STRAHAN**, Sir **JOHN DEAN PAUL**, Bart., and **ROBERT MAKIN BATES**, Strand, dealers and chapmen, also carrying on business in Norfolk-street, Strand, as navy agents, June 25 at 11, and July 26 at 12, London: Off. Ass. Bell; Sols. Laurance & Co., Old Jewry-chambers.—Pet. f. June 11.

**THOMAS MORSE**, late of Little Newport-street, Newport-market, but now of North-terrace, South-street, Grosvenor-square, dealer and chapman, June 22 at 1, and July 31 at 12, London: Off. Ass. Edwards; Sol. Fitch, 23, Southampton-street, Bloomsbury.—Pet. f. June 9.

**JOHN VOWE**, Surrey-place, Old Kent-road, dealer and chapman, June 22 at 2, and July 31 at 1, London: Off. Ass. Lee; Sols. Sole & Co., 68, Aldermanbury.—Pet. f. June 6.

**HERMANN BRIEBACH**, Middlesex-street, Aldgate, and Mount-terrace, New-road, Whitechapel, dealer and chapman, June 21 at 1, and July 26 at 11, London: Off. Ass. Cannan; Sols. G. & E. Hilleary, 5, Fenchurch-buildings, Fenchurch-street.—Pet. f. June 2.

**WILLIAM DAVIS**, Birmingham, shoe manufacturer, June 23 and July 20 at 11, Birmingham: Off. Ass. Whitmore; Sol. Hodgson, Birmingham.—Pet. d. June 9.

**ANTHONY BIRCH**, Birmingham, dealer and chapman, June 23 and July 20 at 11, Birmingham: Off. Ass. Bittleston; Sol. Hawkes, Birmingham.—Pet. d. June 7.

**HENRY PEATY**, Bristol, dealer and chapman, June 25 and July 24 at 11, Bristol: Off. Ass. Miller; Sols. Henderson & Co., Bristol.—Pet. f. May 31.

**JAMES WAYMOUTH**, Taunton, Somersetshire, stationer, June 20 and July 12 at 1, Exeter: Off. Ass. Hirtzel; Sols. Penny, Taunton; Stogdon, Exeter.—Pet. f. June 8.

**SUSAN LYONS**, Tavistock, dealer and chapwoman, June 20 and July 12 at 1, Exeter: Off. Ass. Hirtzel; Sols. Rooker & Co. Plymouth; Stogdon, Exeter.—Pet. f. June 4.

**CHARLES RICHARDS**, Wrexham, Denbighshire, draper, June 22 and July 13 at 11, Liverpool: Off. Ass. Bird; Sols. Evans & Son, Liverpool.—Pet. f. June 7.

**ORLANDO THOMAS NEWTON**, Liverpool, spirit merchant and publican, June 25 at 12, and July 16 at 11, Liverpool: Off. Ass. Cazenove; Sols. Higson & Robinson, Manchester; Littledale & Bardswell, Liverpool.—Pet. f. June 7.

**JOHN PARKER HALL** the younger, Liverpool, drysalter and shipowner, (trading under the style or firm of J. P. Hall, jun., & Co.), June 25 and July 16 at 11, Liverpool: Off. Ass. Morgan; Sols. Neal & Martin, Liverpool.—Pet. f. June 6.

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**ALBION PARIS DRESSER**, Manchester, dealer and chapman, June 22 and July 13 at 12, Manchester: Off. Ass. Hernaman; Sols. Atkinsons & Last, Manchester.—Pet. f. May 24.

**ALEXANDER PEAT**, Manchester, dealer and chapman, June 25 and July 17 at 12, Manchester: Off. Ass. Pott; Sols. Cobbett & Wheeler, Manchester.—Pet. f. June 9.

**ISAAC MOTTERSHEAD**, Macclesfield, dealer and chapman, June 27 and July 18 at 12, Manchester: Off. Ass. Fraser; Sols. Parrott & Co., Macclesfield.—Pet. f. June 8.

## MEETINGS.

*Edward Logsdon*, Hatfield, Hertfordshire, baker, June 23 at half-past 12, London, aud. ac.—*William Raven* and *Joseph Raven*, Fish-street-hill, wholesale stationers, June 23 at 12, London, aud. ac.—*Stair Walker*, Boundary-row, St. John's-

wood, builder, June 29 at half-past 11, London, aud. ac.—*Abraham Pierpoint Shaw*, Devonshire-street, Bishopsgate-street, printer, June 29 at 1, London, aud. ac.—*W. A. Palsam*, Strand, china dealer, June 28 at half-past 12, London, aud. ac.—*William Hoe*, Bishopsgate-st., stationer, June 26 at 11, London, aud. ac.—*John Wilson Davis*, Deptford, grocer, June 28 at 11, London, aud. ac.—*John Whitmore Jones* and *Thomas Carrier*, Wolverhampton, hoisiers, June 27 at half-past 10, Birmingham, aud. ac.—*Richd. Underwood*, Leicester, hoisier, July 10 at 10, Nottingham, aud. ac.—*John Henry Chestham*, Nottingham, lace manufacturer, July 10 at 10, Nottingham, aud. ac.—*James Hargreaves Nuttall*, Liverpool, merchant, June 22 at 11, Liverpool, aud. ac.; July 5 at 11, div.—*Joseph Prescott*, Liverpool, tea dealer, June 22 at 11, Liverpool, aud. ac.; July 5 at 11, div.—*Wm. Shiers*, Manchester, paperhanger, June 25 at 12, Manchester, aud. ac.—*William Mather*, *Colin Mather*, and *John Tenney Newstead*, Manchester and Salford, ironfounders, June 25 at 12, Manchester, aud. ac.—*John Dyson*, Sheffield, scythe manufacturer, June 23 at 10, Sheffield, aud. ac.—*Wm. Clarendon*, Sheffield, mason, June 23 at 10, Sheffield, aud. ac.—*H. Pearce*, Welwyn, Hertfordshire, and Finsbury-place South, London, merchant, July 3 at 1, London, div.—*T. Tyler*, Wood-street, Cheapside, warehouseman, July 3 at half-past 1, London, div.—*Henry George Cable*, Goswell-street, Clerkenwell, draper, July 3 at 1, London, div.—*Joseph Graham*, Notting-hill-square, Notting-hill, hosier, July 3 at 11, London, div.—*Jas. Wilson*, Princes-street, Hanover-square, tailor, July 3 at half-past 1, London, div.—*Wm. Winck*, Fountain-court, Strand, licensed victualler, and North-mews, Gray's-inn-lane, ivory cutter, July 4 at 1, London, div.—*Thomas Crist*, Salisbury, clothier, July 3 at 1, London, div.—*Edwin Stanley Brookes*, Loughborough, Leicestershire, hosier, July 10 at 10, Nottingham, aud. ac. and div.—*Wm. Heskin Osborn*, Leicester, wine merchant, July 10 at 10, Nottingham, aud. ac. and div.—*Richard Allcock*, Nottingham, wine merchant, July 10 at 10, Nottingham, div.—*William Critchley*, Manchester, publican, July 6 at 12, Manchester, div.—*George Rochester*, Bishopwearmouth, linendraper, July 4 at 12, Newcastle-upon-Tyne, div.—*Robert Roberts*, Toxteth Park, near Liverpool, grocer, July 4 at 11, Liverpool, div.—*Jas. Stark Skipper*, Liverpool, corn merchant, July 3 at 11, Liverpool, div.—*Thos. Davies*, Liverpool, merchant, July 4 at 11, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*William Lister*, Great Queen-street, Lincoln's-inn-fields, jewel-case maker, July 3 at half-past 12, London.—*George Hoffmann*, Park-terrace, Park-road, Clapham, brewer, July 4 at 1, London.—*Charles Viner*, *Henry Viner*, *George Viner*, and *Joseph John Viner*, Brighton and Lewes, plumbers, July 5 at 12, London.—*Isaac Hugh White Hunt*, Reigate, Sussex, builder, July 5 at half-past 12, London.—*Henry Osborne Box*, Dursley, Gloucestershire, woollendraper, July 13 at 11, Bristol.—*Wm. Henry Hayward*, Devonport, tallow chandler, July 9 at 11, Plymouth.—*James Holmes*, Lancaster, builder, July 3 at 12, Manchester.—*Betty Worsley* and *James Heys*, Helmsshore, near Haslingden, Lancashire, cotton manufacturers, July 6 at 12, Manchester.—*Joseph Bell*, Little Bolton, Lancashire, cotton spinner, July 5 at 1, Manchester.—*Michael Wood* and *J. Wilding*, Openshaw, Lancashire, boiler makers, July 5 at 12, Manchester.—*Wm. Partridge* the elder, Birmingham, builder, July 9 at half-past 10, Birmingham.—*Wm. Keates*, Uttoxeter, Staffordshire, ironmonger, July 9 at half-past 10, Birmingham.—*Edward Weston*, Dudley, Worcestershire, hosier, July 5 at half-past 11, Birmingham.—*Joseph Mereden*, Balsall Heath, Worcestershire, licensed victualler, July 5 at half-past 10, Birmingham.—*John Webber*, Birmingham, grocer, July 5 at half-past 11, Birmingham.

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*Joseph Clever* and *Caleb Stanger*, Kent-wharf, Queen's-road-bridge, Haggerstone, builders.—*J. Morgan*, Preston and Catshaw, cotton spinner.—*G. Williamson*, Rochdale, cotton-cloth manufacturer.—*Ralph Pickstone* and *Ambrose Mayall*, Hurst, Ashton-under-Lyne, cotton spinners.—*James Hood*, Selby, Yorkshire, currier.

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URI X

## GAZETTES.—FRIDAY, June 15.

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- BENJAMIN KENT**, Norfolk-street, Strand, hotel keeper, June 22 at half-past 12, and July 27 at half-past 11, London: Off. Ass. Cannan; Sol. Wetherfield, 14, Basinghall-street.—Pet. f. June 13.
- WILLIAM NEEDHAM** and **SAMUEL WHITE**, Friday-street, Cheap-side, dealers and chapmen, June 26 at 2, and July 28 at half-past 12, London: Off. Ass. Stansfeld; Sols. Sheard & Baker, 6, Old Jewry.—Pet. f. June 14.
- ROBERT KELLAWAY MEADEN**, Walbrook, dealer and chapman, June 26 at half-past 12, and July 27 at half-past 11, London: Off. Ass. Bell; Sols. Norton & Son, 1, New-street, Bishopsgate.—Pet. f. June 14.
- RICHARD WALKER**, Wisbeach St. Peter's, Cambridgeshire, stationer, June 25 at 12, and July 25 at 1, London: Off. Ass. Nicholson; Sol. Archer, 6, Racquet-court, Fleet-street.—Pet. f. June 13.
- HYAMS FIENBURG**, Newport, Monmouthshire, dealer and chapman, June 26 and July 24 at 11, Bristol: Off. Ass. Acraman; Sols. Blakey, Newport; Bevan & Girling, Bristol.—Pet. f. June 13.
- THOMAS WILLIAMSON**, Truro, Cornwall, draper, June 28 and July 19 at 1, Exeter: Off. Ass. Hirtzel; Sols. Simmons & Cook, Truro; Stogdon, Exeter.—Pet. f. June 12.
- JOHN HENRY MOORE**, Kingston-upon-Hull, joiner, (carrying on business with John Hooton, at New Holland, Barrow-upon-Humber, Lincolnshire, as brickmakers), July 11 and Aug. 1 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Stamp & Jackson, Kingston-upon-Hull.—Pet. d. June 13.
- JOHN FENTON**, Liverpool, dealer and chapman, (late carrying on business at Liverpool with Edwin John Fenton, under the style or firm of Fenton & Co., as iron house builders), July 2 and 23 at 11, Liverpool: Off. Ass. Morgan; Sol. Dodge, Liverpool.—Pet. f. June 12.
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- THOMAS PUNSHON**, Durham, dealer and chapman, June 29 and July 20 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Brignal, Durham; Hartley, 6, Southampton-street, Bloomsbury.—Pet. f. June 12.

## MEETINGS.

*William Gittus*, Isleham, Cambridgeshire, draper, June 26 at 1, London, last ex.—*William Fitch*, Old Fish-street-hill, Upper Thames-street, wholesale stationer, June 26 at 1, London, last ex.—*David Halket*, Herne Bay, Kent, shipowner, June 27 at 12, London, last ex.—*William Harding*, Great Saffron-hill, baker, June 29 at 11, London, aud. ac.; July 6 at 11, div.—*James Wilson*, Princes-street, Hanover-square, tailor, June 27 at 1, London, aud. ac.—*Henry George Cable*, Goswell-street, Clerkenwell, draper, June 27 at 1, London, aud. ac.—*William Buckwell* and *Thomas Jones*, Duke-street, Southwark, dealers in cement, June 26 at 12, London, aud. ac.—*Samuel Perkes*, Vulcan Wharf, Earl-street, Blackfriars, engineer, June 27 at 12, London, aud. ac.—*Daniel Keen*, Hillingdon, brickmaker, June 27 at half-past 12, London, aud. ac.—*Thomas Grist*, Salisbury, clothier, June 27 at half-past 12, London, aud. ac.—*Thomas Billing*, Cambridge, cooper, June 29 at 11, London, aud. ac.—*John Webber*, Birmingham, grocer, July 27 at 11, Birmingham, aud. ac. and div.—*Richard Russell*, Leamington Priors, printer, July 27 at 11, Birmingham, aud. ac. and div.—*William Styles*, Stratford-upon-Avon, out of business, July 27 at 11, Birmingham, aud. ac.—*George Rochester*, Bishop Wearmouth, Durham, linendraper, July 3 at 12, Newcastle-upon-Tyne, aud. ac.—*Thomas Davies*, Liverpool, merchant, June 25 at 11, Liverpool, aud. ac.—*John Davis*, Colney Hatch, Middlesex, licensed victualler, July 7 at 2, London, div.—*John Bentley*,

Smithfield Bars, cheesemonger, July 6 at 1, London, div.—*Henry Quarterman*, Oxford, carpenter, July 6 at half-past 1, London, div.—*Frederick Dimsdale*, King's Arms-yard, Coleman-street, dealer in iron, July 6 at half-past 1, London, div.—*William Cornish*, Great Thurlow, Suffolk, grocer, July 6 at 2, London, div.—*William Holmes*, Leeds, wine merchant, July 6 at 11, Leeds, div.—*Samuel Oldfield*, *John Allan*, and *Edward John Sinclair Cousens*, Huddersfield, woollen-cloth merchants, July 6 at 11, Leeds, div. joint est., and div. sep. ests. of *John Allen* and *E. J. S. Cousins*.—*Thomas Nicholson*, Leeds, machine maker, July 6, at 11, Leeds, div.—*Charles Hargreaves* and *Michael Hargreaves*, Bradford, Yorkshire, whitesmiths, July 6 at 11, Leeds, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John James Parker*, South-street, Greenwich, bricklayer, July 6 at 1, London.—*Michael Jones*, Oxford-street, grocer, July 6 at half-past 1, London.—*James Dalton*, Newton Heath, near Manchester, emery grinder, July 9 at 12, Manchester.—*Samuel Makeni*, Henfield, Lancashire, cotton spinner, July 10 at 12, Manchester.—*Robert Thomas* and *James Innes*, Manchester, drysalers, July 10 at 12, Manchester.—*Charles Evans*, Bradford, Yorkshire, stuff merchant, July 9 at 12, Leeds.

*To be granted, unless an Appeal be duly entered.*

*William Close Currie*, Moorgate-street, merchant.—*John Burrowes* and *Alexander Mearns Reid*, Leadenhall-street, ship agents.—*Francis Smith*, Welbeck-street, Cavendish-square, and Blackfriars-road, builder.—*George Wilson* and *William Raynham*, Walmer-road, Notting-hill, builders.—*Sarah Nuttall*, Lower Tunstead, near Newchurch, Lancashire, innkeeper.—*William Bate*, Manchester, baker.—*Peter Taylor*, Manchester, millwright.—*William Clarendon*, Sheffield, mason.—*Henry Ludlam* and *Joseph Reaney*, Sheffield, ironmongers.—*Richard Allcock*, Nottingham, wine merchant.—*Thomas Fiddes Meyrick*, Wolverhampton, commission agent.—*John Maples*, Nottingham, upholsterer.—*Joseph Kel*, Brierley-hill, Staffordshire, grocer.—*Charles Groove*, Birmingham, licensed victualler.

## PARTNERSHIP DISSOLVED.

*William Fretwell Hoyle* and *Robert Marsh* the younger, Rotherham, Yorkshire, attorneys, solicitors, and conveyancers.

## TUESDAY, June 19.

## BANKRUPTS.

- FREDERICK TALLIS**, Upper Chadwell-street, Clerkenwell, and Crane-court, Fleet-street, printer and publisher, (but now a prisoner in the Queen's Prison), June 21 at 1, and July 31 at half-past 12, London: Off. Ass. Lee; Sol. Gilham, 24, Bartlett's-buildings, Holborn.—Pet. f. June 16.
- JOHN MAYHEW**, Clarence-villas, Mortimer-road, De Beauvoir-town, Kingland, and Leadenhall-street, mine share dealer, June 28 at 2, and July 31 at 1, London: Off. Ass. Edwards; Sol. Cocker, 23, Gower-street, Bedford-square.—Pet. f. June 16.
- JAMES WILLIAM WOOLDRIDGE**, Wickham, Southampton, tanner, June 29 at 2, and Aug. 7 at 12, London: Off. Ass. Pennell; Sols. J. & E. Hoskins, Gosport; Lambert & Co., 7, John-street, Bedford-row.—Pet. f. June 16.
- THOMAS SHEPHERD**, King's Lynn, Norfolk, dealer and chapman, July 3 at 11, and Aug. 1 at 12, London: Off. Ass. Graham; Sols. Shackles & Son, Hull; Redpath, 9, Old Jewry-chambers.—Pet. f. June 16.
- CHARLES GEORGE GRAY**, Grantham, Lincolnshire, dealer and chapman, July 10 and Aug. 7 at 10, Nottingham: Off. Ass. Harris; Sols. Bridges, Birmingham; White & Co., Grantham; Davidson & Bradbury, 22, Basinghall-street, London.—Pet. d. May 31.
- SAMUEL ROSE** and **ROBERT WILLY ROSE**, Honiton, Devonshire, dealers and chapmen, June 27 and July 24 at 1, Exeter: Off. Ass. Hirtzel; Sols. J. & B. Whitworth, Manchester; Aberdeen, Honiton; Terrell, Exeter.—Pet. f. June 9.
- WILLIAM JONES**, Ewloe, Hawarden, Flintshire, licensed victualler, June 29 and July 20 at 11, Liverpool: Off. Ass. Bird; Sols. Evans & Son, Liverpool.—Pet. f. June 13.

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## THE JURIST.

LONDON, JUNE 23, 1855.

IN continuing our summary of the cases upon the Gaming Act, 8 & 9 Vict. c. 109, we may add to the decisions cited last week that of *Jessopp v. Lutwyche*, (24 L. J., Ex., 65), in which the defendant pleaded to an action for money paid, first, that it was paid by way of wager on the market price, upon certain days, of shares in a certain company. He pleaded, secondly, that the cause of action accrued to the plaintiff, as a broker in the city of London, in the purchasing and selling for the defendant in the said city certain shares in a mining company, and that the plaintiff was not a duly authorised broker.

Both pleas were held to be bad; the first, because the plaintiff might have paid the money at the express request of the defendant; and the second, because it did not appear that the plaintiff paid the money as a broker.

There are numerous transactions more or less connected with gaming transactions, which, however, may form the subject of an action, provided it is not between the parties to the wager.

Thus, in *Johnson v. Lansley*, (12 C. B. 408), A. and B. jointly made bets with third persons on a horse race. B. received the money, and gave A. a bill, accepted by C., (who was no party to the betting), for his share; it was held that A. might sue C. upon the bill. So, in *Varney v. Hickman*, (5 C. B. 271), it was held that the statute did not preclude a party, who repudiated the wager before the event was ascertained, from recovering back from a stakeholder the amount of *his own deposit*. With regard to the words of the 18th section, that "no action shall be brought for recovering any sum of money alleged to be won upon any

wager, or which shall have been deposited in the hands of any person to abide the event on which any wager shall have been made," Maule, J., said that the first branch prevented the winner from bringing an action to recover the amount of the bet from the loser; and the second prevented the winner from suing the stakeholder for the entire sum deposited with him, but that it did not apply to a party seeking to recover *his deposit* from a stakeholder on a repudiation of the wager before the event is ascertained. To the same effect is *Martin v. Hewson*, (1 Jur., N. S., part 1, p. 214; S. C., 24 L. J., Ex., 174\*); and see *Gatty v. Field*, (9 Q. B. 431). Where, however, the race had been run, it was held that the loser could not recover his deposit from the stakeholder, although he demanded it back before it was paid over to the winner. (*Batty v. Marriot*, 5 C. B. 818). In that case the Court held a foot race to be a lawful game, within the proviso of the 8 & 9 Vict. c. 109, s. 18.

The distinction between making the consideration for a contract illegal, and making it void, is clearly shewn by the stat. 5 & 6 Will. 4, c. 41, s. 1, which recites, that securities given in respect of gaming and usurious transactions were made void by the stat. 9 Ann. c. 14, and other statutes, and were sometimes taken for valuable consideration without notice; and then enacts, that instead of being void, they shall be deemed to have been given for an illegal consideration. Such bills are therefore incapable of being sued upon as between the original parties, and also by all persons who have taken them with notice, or after they were due, or without consideration, unless they are in a position to recover on a prior title; and they are *good* in the hands of a bona fide holder for value who took them before they were due. (See, as to the consideration in

\* In this case a question was raised in argument as to the legality or illegality of cock-fighting.



cases where no security had been given, and before the 7 & 8 Vict. c. 109, *Applegarth v. Colley*, 10 M. & W. 732; *Thorpe v. Colman*, 1 C. B. 199; and *Batty v. Marriott*, 5 C. B. 828).

In connexion with this branch of the subject, we may refer to an instance in which the Legislature have recently, by express enactment, made both the security and the contract void. Thus, by the Bankrupt-law Consolidation Act, 12 & 13 Vict. c. 106, s. 202, any contract or security made or given by any bankrupt, &c., in consideration of a creditor forbearing to oppose, or of his consenting to the allowance of the bankrupt's certificate, or of his forbearing to petition for the recall of the same, is declared to be void\*.

#### NOTES OF THE WEEK.

In *Boyle v. Wiseman* the Court of Exchequer have made a rule absolute for another new trial, which will be the third. The point on which it is now granted is this:—In order to fix the defendant with the publication of the libel, a witness was called, who said he had read a letter written by the defendant to a priest in France; and it being shewn that all had been done which could be to procure the letter, the witness was asked to state its contents. The defendant's counsel thereupon put a letter into his hands, and asked him if that was not the letter: he said it was not. The defendant's counsel then proposed to call a witness at once to shew that it was the letter; but the learned judge refused to allow this to be done, saying that he could be called as a part of the defendant's evidence. The Court held this to be an error, and said that the judge should have received the evidence tendered on this collateral issue, in order to be satisfied that a sufficient foundation was laid for admitting the secondary evidence before it was admitted.

#### FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 239).

##### IV.—PROCEDURE—(Continued).

**Removal.**—It is, however, competent for either party to remove the plaint into a superior court, on giving certain notices prescribed by the rules of the court, and on making a declaration at the hearing, that the title to some corporeal or incorporeal hereditament, or to some toll, market, fair, or franchise, is in question, or that the rent or damage in respect of which the distress has been taken was more than 20*l.*, and on becoming bound with two sufficient sureties in such sums as to the judge shall seem reasonable, regard being had to the nature of the claim and the alleged value or amount of the property in dispute, or of the rent or damage, to prosecute the suit with effect and without delay, and to prove before the court by which such suit shall be tried that such title as aforesaid is in dispute between the parties, or that there was ground for believing that the said rent or damage was more than 20*l.* On compliance with these conditions, the cause may be removed into any court competent to try the same, in such manner as hath been accustomed. The cause is removed by certiorari, instead of recordari facias loquelam; the statutory county court, unlike the common-law county court, being a court of record.

\* See further on this subject Smith's Law of Contracts, 2nd edition by Malcolm, pp 200, 201.

##### Ejectment.

Although the general language of the proviso contained in sect. 58 of the 9 & 10 Vict. c. 95, excludes actions of ejectment, one particular class of ejectments is by the express provisions of sect. 122 brought within the jurisdiction of the court. That class is ejectment for the recovery of a house, land, or other corporeal hereditament, the annual value or rent of which does not exceed 50*l.*, from any tenant whose interest has ended, and who has paid no one.

**Practice.**—A plaint and summons are entered and served in the usual way, or in the mode prescribed by the statute; and if the judge be of opinion that the tenancy has been duly determined, and the tenant or sub-tenant refuse to give up possession of the premises, the judge may issue his warrant to the high bailiff, requiring him to give possession to the landlord within ten clear days from the date of the warrant.

**Appeal.**—If the party against whom the warrant is issued be desirous of raising the question in another court, as to whether the landlord had, at the time of suing out the warrant, lawful right to the possession, he may stay proceedings on the warrant by becoming bound, with two sufficient sureties to be approved by the clerk of the court, in such sum as to the judge shall seem reasonable, regard being had to the value of the premises and the probable costs of the action, to sue the person by whom such warrant was sued out with effect and without delay, and to pay costs in certain events: then proceedings will be stayed until judgment has been given in such action; and if a verdict pass for the plaintiff, the verdict and judgment thereon will supersede the warrant. If, however, the tenant should not proceed, or should fail in his action, the bond becomes forfeited, and proceedings thereon may be had, and the warrant enforced.

##### Protection Cases.

In cases within the Protection Acts, the clerk acts as official assignee and registrar, and is bound to present his accounts to the treasurer to be audited, and to pay over to him any balance remaining in hand. The high bailiff acts as messenger.

**Practice.**—The practice of the Court for the Relief of Insolvent Debtors in London, in cases under the Protection Acts, the 5 & 6 Vict. c. 116, and the 7 & 8 Vict. c. 96, is adopted in the county court so far as it is applicable.

##### Practice in other Cases.

With regard to the jurisdiction in customs cases, nuisances, and arresting ships, no special practice has at present been established.

##### EQUITABLE JURISDICTION.

In seeking to enforce a claim for an unliquidated balance of a partnership account, or a distributive share under an intestacy or a legacy, the same practice prevails as in endeavouring to recover any other pecuniary demand.

**Charitable Trusts—Practice.**—The practice with reference to applications under the act relating to charitable trusts depends on the provisions of the statute; on certain rules framed by the Lord Chancellor, in pursuance of a power contained in the Charitable Trusts Act, 1853; and on the general practice of the court.

**Persons who may apply.**—The persons entitled to apply to the county court under the jurisdiction conferred by the act are, her Majesty's Attorney-General, the trustee or one or more of the trustees of any charity, or the person or persons administering or claiming to administer, or interested in, the charity which is the subject of the application, or any two or more of the inhabitants of any parish or place within which the charity is administered or applicable. This distinction, however, exists between applications by the Attorney-

General and those by any of the other persons before mentioned—that the former may apply to the court at his discretion, but the latter require the sanction of the Charity Commissioners for the purpose.

*Practice.*—It will be convenient, in describing the practice of the court on these applications, to state, first, that which applies to private persons; and, secondly, that which applies to the Attorney-General.

*Private Persons.*—The person who is desirous of applying to the county court for relief, having obtained the proper order or certificate from the Charity Commissioners, must file it with the clerk. That officer will then, at the instance of the applicant, and subject to the discretion of the judge, summon or give notice to the proper persons to appear or attend proceedings at an appointed court. These summonses and notices are served by post, unless the judge otherwise directs. On the appointed day the persons summoned to appear, or who have received notice to attend, or any of the persons who are entitled to apply under the act, may appear and oppose the application. The judge then proceeds to make such order in the matter as to him seems just. This order, together with a copy of the other proceedings, is then transmitted to the Charity Commissioners. If it meet with their approval, the order is final, unless some person authorised to make an application under the statute is desirous of appealing against the order.

*Appeal.*—In such a case the intended appellant must, within a calendar month after making the order, give notice in writing to the commissioners and to the court of his wish to appeal, stating the grounds of his intended appeal. If the commissioners think that the appeal should be entertained, they give a certificate to that effect, and proceedings on the order are suspended during such time as the circumstances require. The commissioners may require the appellant to join in a bond with two sufficient sureties, to be approved by the clerk of the county court, to the treasurer of the court, or such other person as they think fit, in such sum as they think reasonable, to pay such costs of the appeal as the appellate court shall order; and also, if they think fit, to indemnify the charity against the costs and expenses of or attending such appeal. On compliance with the requisition of the commissioners, an order is made allowing the appeal. Within three calendar months the appellant must present a petition to the Court of Chancery praying such relief as the case may require. Upon the hearing of the petition the court may confirm, vary, or reverse the order appealed against, or may remit the order to the county court by which it was made, with or without any declaration of the Court of Chancery in relation to it; or the court may dispose of the matter of the order as in the case of a suit regularly instituted, or a petition. If the appellant do not proceed within three calendar months from the time at which the appeal is allowed, the order of the county court becomes final. If the costs adjudged by the appellate court to be paid by the appellant are not paid, the bond may be put in suit, and the sum recovered on it applied to indemnify the charity or the person damaged, as the case may require, and as the appellate court thinks right.

*Proceedings by Attorney-General—Appeal.*—The Attorney-General's power to proceed ex officio continues in the same manner as if the act had not been passed; and he may, without the sanction of the Charity Commissioners, make application to the county court in such matters. On making such an application he must lodge with the clerk a statement similar to the commissioners' certificate or order. On the production of this statement, the clerk will take the same steps for the purpose of bringing the cause to a hearing as on the application of a private person. At the

hearing the same proceedings as in other cases take place. The judge, having heard the application, pronounces his judgment and makes his order. Against this order the Attorney-General, acting ex officio, may, at any time within three calendar months after the order has been made, lodge, commence, and prosecute an appeal, without giving notice or becoming bound, as in the case of private persons, and the county court is thereupon bound to make an order allowing the appeal. The subsequent proceedings on the appeal are the same as in other cases.

*Deputy or Jury not allowed to act in Charity Cases.*—It is to be observed that no deputy judge is allowed to dispose of these matters, and a jury cannot be summoned to dispose of the facts.

*Record of Proceedings.*—The clerk enters the proceedings in each case under its respective title, in a book kept for that purpose, and the various documents lodged with him are filed.

*Other Cases.*—No special practice has yet been established with respect to the Friendly, Industrial, and Provident Societies Act, the Literary and Scientific Institutions Act, or the Succession Duties Act.

#### AUXILIARY JURISDICTION.

##### LEGAL JURISDICTION.

##### *Abconding Debtors.*

Where any person is indebted in a sum to the amount of 20*l.* or more, and he is about to leave the country for the purpose of avoiding or delaying his creditors, it is competent for the creditor to apply, under the 14 & 15 Vict. c. 52, to the judge of any court, except the judges acting in Middlesex and Surrey, for an order to arrest the debtor. If the judge be satisfied by affidavit that the debt exists, and that the debtor is about to leave the country for the purpose of avoiding or delaying the creditor, he may issue his warrant, directed to the high bailiff, for the purpose of arresting the debtor. The high bailiff may execute the warrant in any part of England at any time within seven days after its date, including the day of its date. This proceeding by arrest is only auxiliary to proceedings in the superior court. If proceedings are not taken in conformity with the provisions of the statute, the warrant does not operate as a protection to the party on whose behalf such warrant has been issued, but is wholly void.

##### *Common-law Procedure Act.*

The Common-law Procedure Act, 1854, having been in operation only a few weeks, no practice has at present been established with respect to proceedings under it.

##### EQUITABLE JURISDICTION.

##### *Chancery.*

*Joint-stock Companies Winding-up Act.*—The power which the Court of Chancery possesses of availing itself of the assistance of the county courts in certain cases does not appear ever to have been exercised, and the jurisdiction under the Joint-stock Companies Winding-up Act has been very rarely brought into operation. No peculiar practice, consequently, has been established with reference to those matters.

##### *Insolvency.*

In the exercise of the jurisdiction in insolvency, as regulated by the 1 & 2 Vict. c. 110, the clerk of the county court acts as registrar, and the high bailiff as messenger.

*Practice.*—The course of proceeding is, that the prisoner, in whatever part of England he may be confined, beyond twenty miles from the General Post-office, presents his petition for relief, under the 1 & 2 Vict. c. 110, to the Court for the Relief of Insolvent Debtors in London. The court in London forthwith makes an

order referring the petition for hearing to the county court within the district of which the insolvent is in custody, and transmits the petition and schedule to the court for hearing. The insolvent or his attorney delivers all books, papers, and accounts in his possession, and relating to his debts, credits, or estate, to the clerk of the county court. On the usual day (of which due notice is advertised) for hearing insolvency cases, the petition comes on in its order, and the matter is disposed of by the judge in conformity with the provisions of the statute. The petition and schedule, together with a statement of what has been done in the matter, are then transmitted to the Court for the Relief of Insolvent Debtors in London, where the proceedings are filed. The judge may recommend, but it seems cannot appoint, the creditors' assignee, though his recommendation is generally confirmed by the court in London. In other respects the practice of the Insolvent Court in London is applied to the proceedings in the county court.

(To be continued).

### Court Papers.

#### EQUITY SITTINGS, AFTER TRINITY TERM, 1855.

##### Court of Chancery.

*Before the LORD CHANCELLOR, at Lincoln's Inn.*

Tuesday....	June 19	First Seal.—Appeal Motions and Appeals.
Wednesday.....	20	Petitions and Appeals.
Thursday.....	21	
Friday.....	22	Appeals.
Saturday.....	23	
Monday.....	25	
Tuesday.....	26	Second Seal.—Appeal Motions and Appeals.
Wednesday.....	27	
Thursday.....	28	
Friday.....	29	Appeals.
Saturday.....	30	
Monday....	July 2	
Tuesday.....	3	Third Seal.—Appeal Motions and Appeals.
Wednesday.....	4	
Thursday.....	5	Appeals.
Friday.....	6	
Saturday.....	7	Petitions and Appeals.
Monday.....	9	Appeals.
Tuesday.....	10	Fourth Seal.—Appeal Motions and Appeals.
Wednesday.....	11	
Thursday.....	12	
Friday.....	13	Appeals.
Saturday.....	14	
Monday.....	16	
Tuesday.....	17	Fifth Seal.—Appeal Motions and Appeals.
Wednesday.....	18	
Thursday.....	19	
Friday.....	20	
Saturday.....	21	Appeals.
Monday.....	23	
Tuesday.....	24	
Wednesday.....	25	
Thursday.....	26	Sixth Seal.—Appeal Motions and Appeals.
Friday.....	27	
Saturday.....	28	Appeals.
Monday.....	30	
Tuesday.....	31	General Petition-day.

*Notice.*—Such days as his Lordship is engaged in hearing Appeals in the House of Lords excepted.

*Before the LORDS JUSTICES, at Lincoln's Inn.*

Tuesday....	June 19	First Seal.—Appeal Motions and Appeals.
Wednesday.....	20	Appeals.
Thursday.....	21	
Friday.....	22	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday.....	23	Appeals.
Monday.....	25	
Tuesday.....	26	Second Seal.—Appeal Motions and Appeals.
Wednesday.....	27	Appeals.
Thursday.....	28	
Friday.....	29	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday.....	30	Appeals.
Monday....	July 2	
Tuesday.....	3	Third Seal.—Appeal Motions and Appeals.
Wednesday.....	4	Appeals.
Thursday.....	5	
Friday.....	6	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday.....	7	Appeals.
Monday.....	9	
Tuesday.....	10	Fourth Seal.—Appeal Motions and Appeals.
Wednesday.....	11	Appeals.
Thursday.....	12	
Friday.....	13	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday.....	14	Appeals.
Monday.....	16	
Tuesday.....	17	Fifth Seal.—Appeal Motions and Appeals.
Wednesday.....	18	Appeals.
Thursday.....	19	
Friday.....	20	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday.....	21	
Monday.....	23	Appeals.
Tuesday.....	24	
Wednesday.....	25	
Thursday.....	26	Sixth Seal.—Appeal Motions.
Friday.....	27	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday.....	28	
Monday.....	30	
Tuesday.....	31	
Wednesday..	Aug. 1	Appeals.
Thursday.....	2	
Friday.....	3	
Saturday.....	4	

*Notice.*—The days on which the Lords Justices shall be engaged at the Judicial Committee of the Privy Council are excepted.

*Before the Right Hon. the MASTER OF THE ROLLS, at Chancery-lane.*

Tuesday....	June 19	First Seal.—Motions.
Wednesday.....	20	Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Thursday.....	21	
Friday.....	22	
Saturday.....	23	
Monday.....	25	
Tuesday.....	26	Second Seal.—Motions.
Wednesday.....	27	Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Thursday.....	28	
Friday.....	29	
Saturday.....	30	Petitions in General Paper.
Monday....	July 2	Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Tuesday.....	3	Third Seal.—Motions.

Wednesday .....	4	Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Thursday .....	5	
Friday .....	6	
Saturday .....	7	
Monday .....	9	
Tuesday .....	10	Fourth Seal.—Motions.
Wednesday .....	11	Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Thursday .....	12	
Friday .....	13	
Saturday .....	14	
Monday .....	16	
Tuesday .....	17	Fifth Seal.—Motions.
Wednesday .....	18	
Thursday .....	19	Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Friday .....	20	
Saturday .....	21	
Monday .....	23	
Tuesday .....	24	
Wednesday .....	25	
Thursday .....	26	Sixth Seal.—Motions.
Friday .....	27	Petitions in General Paper.
Saturday .....	28	
Monday .....	30	Remaining Motions and Petitions.
Tuesday .....	31	

*Notice.*—At the Sittings after Trinity Term the Master of the Rolls will hear Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, previous to proceeding to hear Original Causes.

*N.B.*—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday at the sitting of the Court.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Lincoln's Inn.*

Tuesday .... June 19	1	First Seal.—Motions and General Paper.
Wednesday .....	20	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	21	
Friday .....	22	Petitions and General Paper.
Saturday .....	23	Short Causes, Short Claims, & Causes.
Monday .....	25	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	26	Second Seal.—Motions and General Paper.
Wednesday .....	27	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	28	
Friday .....	29	Petitions and General Paper.
Saturday .....	30	Short Causes, Short Claims, & Causes.
Monday .... July 2	1	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	3	Third Seal.—Motions and General Paper.
Wednesday .....	4	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	5	
Friday .....	6	Petitions and General Paper.
Saturday .....	7	Short Causes, Short Claims, & Causes.
Monday .....	9	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	10	Fourth Seal.—Motions and General Paper.
Wednesday .....	11	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	12	
Friday .....	13	Petitions and General Paper.
Saturday .....	14	Short Causes, Short Claims, & Causes.
Monday .....	16	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	17	Fifth Seal.—Motions and General Paper.
Wednesday .....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	19	
Friday .....	20	Petitions and General Paper.
Saturday .....	21	Short Causes, Short Claims, & Causes.
Monday .....	23	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	24	
Wednesday .....	25	
Thursday .....	26	Sixth Seal.—Motions and General Paper.

Friday .....	27	Petitions.
Saturday .....	28	Short Causes, Short Claims, Causes by Consent, and Petitions.
Monday .....	30	Remaining Motions and Petitions.
Tuesday .....	31	

*N.B.*—Petitions will be heard on Petition-days only.

*Notice.*—After the Second Seal the Vice-Chancellor will hear Exceptions and Further Directions, Further Considerations, and Further Directions and Costs, in priority to Original Causes.

*Before Vice-Chancellor Sir J. STUART, at Lincoln's Inn.*

Tuesday .... June 19	1	First Seal.—Motions and Causes.
Wednesday .....	20	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	21	
Friday .....	22	Petitions and General Paper.
Saturday .....	23	Short Causes and Claims, and General Paper.
Monday .....	25	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	26	Second Seal.—Motions and Causes.
Wednesday .....	27	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	28	
Friday .....	29	Petitions and General Paper.
Saturday .....	30	Short Causes and Claims, and General Paper.
Monday .... July 2	1	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	3	Third Seal.—Motions and Causes.
Wednesday .....	4	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	5	
Friday .....	6	Petitions and General Paper.
Saturday .....	7	Short Causes and Claims, and General Paper.
Monday .....	9	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	10	Fourth Seal.—Motions and Causes.
Wednesday .....	11	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	12	
Friday .....	13	Petitions and General Paper.
Saturday .....	14	Short Causes and Claims, and General Paper.
Monday .....	16	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	17	Fifth Seal.—Motions and Causes.
Wednesday .....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	19	
Friday .....	20	Petitions and General Paper.
Saturday .....	21	Short Causes and Claims, and General Paper.
Monday .....	23	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	24	
Wednesday .....	25	
Thursday .....	26	Sixth Seal.—Motions.
Friday .....	27	General Petition-day.
Saturday .....	28	
Monday .....	30	Remaining Motions and Petitions.
Tuesday .....	31	

*Before Vice-Chancellor Sir W. P. WOOD, at Lincoln's Inn.*

Tuesday .... June 19	1	First Seal.—Motions and General Paper.
Wednesday .....	20	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	21	
Friday .....	22	Petitions, Short Causes and Claims, and General Paper.
Saturday .....	23	
Monday .....	25	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	26	Second Seal.—Motions and General Paper.
Wednesday .....	27	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	28	
Friday .....	29	
Saturday .....	30	Petitions, Short Causes and Claims, and General Paper.
Monday .... July 2	1	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	3	Third Seal.—Motions and General Paper.

Wednesday .....	4	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Earl of Craven v. Ure (M for decree)	Morris v. Moss (M for dec.)
Thursday .....	5		Hope v. Liddell (Cause)	Thornton v. Hoyes (Cause)
Friday .....	6		Liddell v. Norton (M for decree)	Lewis v. Rattenbury (Further consideration)
Saturday .....	7	Petitions, Short Causes and Claims, and General Paper.	Webster v. Bean (Cause)	Morten v. Bradbury (Further consideration)
Monday .....	9	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Bean v. Webster (Cause)	Churchman v. Capon (2) (F D, C)
Tuesday .....	10	Fourth Seal.—Motions and General Paper.	Lowe v. Crosswell (Cause)	Sporie v. Whyman (M for decree)
Wednesday .....	11	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Fall v. Norman (M for decree)	Hodgson v. Coates (Cause)
Thursday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Bourne v. Shaw (Cause)	Wood v. Stones (Cause)
Friday .....	13	Petitions, Short Causes and Claims, and General Paper.	Tweddell v. Rogerson (M for decree)	Surman v. Goodlake (M for decree)
Saturday .....	14	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Fitzgerald v. Morgan (Cause)	Thompson v. Drew (Further consideration)
Monday .....	16	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Clark v. Gill (M for decree)	Ross v. De Havilland (M for decree)
Tuesday .....	17	Fifth Seal.—Motions and General Paper.	Ogden v. Ogden (Cause)	Hanbury v. Hussey (2) (F D, C)
Wednesday .....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Clements v. Hall (M for dec.)	Parr v. Jackson (Cl)
Thursday .....	19	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Bottom v. Barron (Cause)	Hartopp v. Hartopp (M for decree)
Friday .....	20	Petitions, Short Causes and Claims, and General Paper.	Sanders v. Wearr (Cause)	Mildmay v. Ranken (Further consideration, from chamb.)
Saturday .....	21	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Bunny v. Hopkinson (Cause)	Whitham v. Gill (Further consideration)
Monday .....	23	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Bunny v. Cannan (M. for decree)	Markham v. Ivatt (M for dec.)
Tuesday .....	24	Sixth Seal.—Motions.	Goodfellow v. Rider (M for decree)	Rogers v. Collingwood (Cl)
Wednesday .....	25	General Petition—day.—Petitions, Short Causes, and Claims.	Marryat v. Marryat (Cause)	Charrie v. Henniker (M for decree)
Thursday .....	26	General Petition—day.—Petitions, Short Causes, and Claims.	Richardson v. Heald (Cause)	Berens v. Berens (Cause)
Friday .....	27	General Petition—day.—Petitions, Short Causes, and Claims.	Chodwick v. Vickerman (M for decree)	Evans v. Evans (Cause)
Saturday .....	28	General Petition—day.—Petitions, Short Causes, and Claims.	Ross v. Ross (M for decree)	Wedderburn v. Wedderburn (5) (E, F D, C)
Monday .....	30	Remaining Motions and Petitions.	Williams v. Chose (Cause)	Wedderburn v. Wedderburn (5) (E, F D, C)
Tuesday .....	31	Remaining Motions and Petitions.	Roberts v. Goldney (Cause)	Wedderburn v. Wedderburn (5) (E, F D, C)
			Phillips v. Lewis (Further consideration)	Smith v. Cheshire (Cause)
			Johnson v. Cobb (F D, C)	Att.-Gen. v. Ward (2) (E, F D, C)
			Cooper v. Cooper (M for decree)	Morris v. James (M for dec.)
			Penhall v. Allen (Further consideration)	Long v. Marsh (Further consideration)
			Summerfield v. Prichard (Further consideration)	Pinckney v. Tanner (5) (F D, C)
			Duerden v. Lancaster (Cause)	Dolman v. Nokes (Cause)
			Borman v. Parkinson (Cause)	Newton v. Koah (M for dec.)
			Chadwick v. Truman (Cause)	Simmons v. Rose (Further consideration)
			De Maltzalm v. Hammersley (M for decree)	Husband v. Elyard (Cause)
			Robinson v. Webb (Further consideration)	Thompson v. Barber (F D, C)
			De Sorban v. Bland (M for decree)	Davies v. Dunkin (Cause)
			Hooper v. Cook (Cause)	Lynne v. Lynne (Cause)
			Devaynes v. Robinson (M for decree)	Verriez v. Symes (Cause)
			Newcastle, Shields, and Sunderland Union Joint-stock Banking Co. v. Gledston (Cause)	Alston v. Hughes (Cause)
			Courtier v. Oram (3) (Further consideration)	Eedle v. Cartwright (Further consideration)
			Att.-Gen. v. St. Cross Hospital (Further consideration)	Cowlishaw v. Hardy (Cause)
			Att.-Gen. v. Corporation of Ilchester (M for decree)	Fream v. Dowling (M for dec.)
			Att.-Gen. v. Blizard (M for decree)	Att.-Gen. v. Corporation of Totness (2) (F D, C)
			Att.-Gen. v. Corporation of Penvensey (Cause)	Pariente v. Lubbock (E, F D, C)
			Proctor v. Durham (Cause)	Hebblethwaite v. Brook (M for decree) SA
			Hutt v. Lantour (Further consideration)	Finch v. Hollingsworth (F D, C)
			Grove v. Laxton (M for dec.)	Banks v. Banks (F D, C) SA
			Smith v. Armstrong (Further consideration)	Searis Evick v. Tunbridge (M for decree)
			Benham v. Robertson (M for decree)	Ross v. White (Cl)
			Fifield v. Atkins (Cause)	Att.-Gen. v. Master, &c. of Trinity College, Cambridge (Cause)
			Acaster v. Anderson (M for decree)	Irby v. Irby (6) (F D, C)
			Mills v. Drewitt (Cause)	Gibb v. Kerr (M for decree)
			Arnott v. Tyrrell (Sp. case)	Rotton v. Gillott (M for dec.)
			Moody v. Payne (2) (F D, C)	Mayne v. Mayne (Cause)
			Sudlow v. Dutch Rhenish Railway Co. (M for decree)	

### EQUITY CAUSE LISTS, AFTER TRINITY TERM, 1855.

\*. \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Pts.* Petition—*R.* Rehearing—*S. O.* Stand Over—*SA.* Short.

#### Court of Chancery.

Before the LORD CHANCELLOR.

##### APPEALS.

Pennell v. Smith	Rogers v. Rogers
Meek v. Ridler	Broughton v. Broughton (6)
	Villebois v. Villebois.

Before the LORDS JUSTICES.

##### APPEALS.

Rooth v. Tomlinson (2)	Sneecy v. Thorne
Rooth v. Tomlinson (2)	Foster v. Waddington
Pound v. Vickers	Wood v. Wood
Perry v. Walker (2)	Bulkeley v. Hope
Desborough v. Harris	Baker v. Bradley
Minet v. Leman (Part heard)	Hope v. Corporation of Gloucester
Paddon v. Richardson	CAUSE.
Paddon v. Pease	Walker v. Walker (M for decree, Ptn).
Goodwin v. Lee	
Bate v. Hooper (2)	

Before the Right Hon. the MASTER OF THE ROLLS.

##### CAUSES, &c.

Bankart v. Kirkhouse (M for decree, part heard)	Marryat v. Marryat (M for decree)
Armstrong v. Armstrong (M for decree)	Goolden v. Howell (Cause)
Worthington v. Davenport (M for decree)	June 22
Rackhau v. Gilbert (Cause)	Parkins v. Lees (Cause)
Orrett v. Corser (M for dec.)	Thompson v. Armitage (Cau.)
Summers v. Alder (Cause)	Jennings v. Christopher (Ca.)
Littlejohns v. Household (Ca.)	Morgan v. Thomas (Cause)
Pennell v. Miller (Cause)	Clapham v. Manby (M for decree)
Scott v. Roberts (Cause)	Smith v. Bakes (Cause)
Lancaster v. Darlington (Cau.)	Henry v. Thornton (Cause)
Lord Kensington v. Bouverie (Further consideration)	Mountain v. Sowden (Cause)
	Smith v. Smith (M for decree)
	Daniel v. Fussell (M for dec.)

Truman v. Chadwick (M for decree)  
 Payne v. Little (Cause)  
 Fruer v. Bouquet (Cl)  
 Cole v. Earl of Charleville (M for decree)  
 Walker v. Armstrong (Cause)  
 Prole v. Masterman (2) (Cau.)  
 Addison v. Halton (2) (Cause)  
 Elliott v. Brown (Cause)  
 Rhodes v. Rhodes (M for decree)  
 Kinleside v. Archbishop of Armagh (Cause) SA  
 Att.-Gen. v. Wilshire (2) (F D, C, 2 Ptns) SA  
 Timewell v. Browne (Cause)  
 Woodroffe v. Pocock (M for decree)  
 Honeywood v. Honeywood (Further consideration)  
 Stewart v. Orchard (M for decree)  
 Swale v. Chedale (M for dec.)  
 Hemsworth v. Campbell (M for decree)  
 Cocking v. Kennerley (F D, C)  
 Cocking v. Hitchin (F D, C)  
 Lacon v. Lacon (M for decree)  
 Marriott v. Turner (Further consideration)  
 Jones v. Fever (Cl)

Willan v. Willan (Further consideration)  
 Morrison v. Bradley (M for decree)  
 Fairclough v. Wiglesworth (F D, C)  
 Wiglesworth v. Wiglesworth (F D, C)  
 Rolfe v. Chester (M for dec.)  
 Banks v. Banks (Further consideration) SA  
 Tuer v. Turner (Further consideration)  
 Baxter v. Ritchie (Cause)  
 Thompson v. Oliver (Cl) SA  
 Oliver v. Oliver (Cl) SA  
 Att.-Gen. v. Marshall (F D, C)  
 Friaby v. Stafford (7) (Subsequent F D, C)  
 Lewis v. Morison (Further consideration) SA  
 Edenborough v. Edenborough (Cause)  
 Newcastle Railway Co. v. Davison (M for decree)  
 Cusse v. Norris (M for decree) SA  
 Morris v. Islip (Cause)  
 Nicholls v. Birdseye (F D, C)  
 Darlington v. Huse (M for decree) SA  
 Davy v. Tremlett (M for decree) SA

Dempster v. Dempster (F D, C)  
 Thurnall v. Rayner (Cause)  
 Lubbock v. Murphy (4) (Ca.)  
 Cotterill v. Cotterill (Cause)  
 Evans v. Evans (2) (F D, C)  
 Att.-Gen. v. Adams (F D, C, Ptn)  
 Darby v. Darby (Cause)  
 Fletcher v. Holland (M for decree)  
 Ingleman v. Worthington (Cause)  
 King v. Bell (Further cons.)  
 Kenyon v. Dickinson (F D, C)  
 Viscountess Lake v. Currie (M for decree)  
 Pearce Duesbery v. Duesbery (Cause)

Coulthard v. Heslop (M for decree)  
 Bunny v. Cannan (M for dec.)  
 Mildmay v. Baron Methuen (2) (F D, C)  
 Brown v. Paul (4) (F D, C)  
 Eyre v. Broke (F D, C) SA  
 Wilton v. Hill (Cause)  
 Alt v. Gregory (3) (F D, C)  
 Ferribee v. Lewis (2) (F D, C)  
 Wordsworth v. Darell (Further consideration)  
 Montgomery v. St. George (Further consideration)  
 Dew v. Dew (M for decree)  
 Charles v. Clark (Cause)  
 Finch v. Finch (Cause)  
 Dunsany v. Dunsany (2) (F D, C).

Before Vice-Chancellor Sir J. STUART.  
 CAUSES, &c.

Morley v. Morley (3) (M for decree, part heard)  
 Goode v. Hollier (Cause)  
 Wilshire v. Norfolk Railway Co. (Cause)  
 Rhodes v. Moxhay (F D, C)  
 Arbuckle v. Butler (Cause)  
 Dowley v. Munday (Cause) SA  
 Shaw v. Fisher (F D, C)  
 Barton v. Kingsbury (Further consideration)  
 Climençon v. Hardy (2) (F D, C)  
 French v. French (Cause)  
 Douglas v. Douglas (17) (F D, C)  
 Emson v. Wilson (Cause)  
 Marshall v. Bentley (Cause)  
 Abbott v. Abbott (Further consideration)  
 Streatfield v. Streatfield (Further consideration)  
 Fisher v. More (3) (Cause)  
 Fisher v. Hewitt (3) (Cause)  
 Gibson v. Bush (Cl)  
 Anderson v. Milward (Further consideration)  
 Dawbney v. Smith (Cl)  
 Taylor v. Taylor (Cause)  
 Gardner v. Jones (M for dec.)  
 Booth v. Coulton (M for dec.)  
 Plumley v. Plumley (F D, C)  
 Ely v. Goddard (Cause)  
 Sumner v. Strachan (Further consideration and summons)  
 Essex v. Learmouth (F D, C)  
 Scott v. Davis (F D, C)  
 Ford v. Bryant (F D, C)  
 Lee v. Green (M for decree)  
 Harding v. Harding (F D, C)  
 Lees v. Clarke (Cause)  
 Thewles v. Farrer (M for decree)  
 Colyer v. Fooks (Cause)  
 Hay v. Ker (Cause)  
 Teague v. Fisher (Cause)  
 Hassell v. Booth (Cause)  
 Smith v. Farr (9) (Further consideration)  
 Peacock v. Foster (M for dec.)  
 Gatty v. Croft (4) (F D, C) SA  
 Pugh v. Mayor, &c. } (Cause)  
 Gill v. Pugh }

Stoddart v. Nelson (Cl)  
 Roderick v. Brandon (F D, C)  
 Williams v. Lomas (Further consideration)  
 Burton v. Hardy (Cause)  
 Ellis v. Ellis (2) (Further consideration)  
 Ostell v. Ostell (F D, C)  
 Howard v. Tillett (6) (E, F D, C)  
 Tingey v. Pigott (2) (Further consideration)  
 Pudge v. Pitt (2) (Cause)  
 Channer v. Ling (M for dec.)  
 Goodwin v. Deakin (Further consideration)  
 Randleston v. Randleston (Further consideration)  
 Hunter v. Nockolds { consid.,  
 Vincent v. Hunter { Ptn } SA  
 Willson v. Newham (F D, C)  
 Jones v. Williams (3) (Further consideration)  
 Hawkins v. Parry (Cause) SA  
 Flintoff v. Churchill (Suppl. claim)  
 Radcliffe v. Witham (Cause)  
 Lillie v. Wilson (2) (Further consideration)  
 Reddish v. Ferns (3) (F D, C)  
 Hood v. Parker (Further consideration) SA  
 Ledward v. Ledward (F D, C)  
 Cropper v. Shacklady (Further consideration)  
 Hoskins v. Turner (M for decree)  
 Henderson v. Robson (Cause)  
 Berryman v. Saunders (2) (F D, C)  
 Watson v. Haynes (M for decree)  
 Bracher v. Reed (F D, C)  
 Firth v. Jackson (Cl)  
 Colby v. Jennings (Further consideration) SA  
 Farren v. Farren (Further consideration)  
 Ashworth v. Sowerby (M for decree)  
 Strong v. Strong (Cause)  
 Skipworth v. Ross (M for decree).

Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.

CAUSES, &c.

Elliott v. Westminster Improvement Commissioners and Thomas Billings (E)  
 Waugh v. Hignet (Rehearing)  
 Green v. Norton (F D, C, Ptn)  
 Adlington v. Chippendale (Further consideration)  
 Lord v. Colvin (Cause)  
 Colvin v. Lord (Cause)  
 Tennant v. Parker (Cause)  
 Patch v. Graves (M for dec.)  
 Stephenson v. Popple (2) (Ca.)  
 Dresser v. Hoare (M for dec.)  
 Jones v. Lodge (4) (F D, C)  
 Carter v. Sanders (Further consideration)  
 Eckford v. Roome (F D, C)  
 Pagge v. Sandys (M for dec.)  
 Miller v. Pridden (Further consideration)  
 Whittingstall v. Field (Further consideration)  
 Christ's Hospital v. Granger (F D, C, Ptn)  
 Patzenden v. Hobson (2) (Further consideration)  
 Earl of Haddington v. Crosse (F D, C)  
 Seabrook v. Halden (F D, C) SA  
 Smedley v. Potter } (Cause)  
 Shelton v. Potter }  
 Hope v. Hope (Special case)  
 Fryer v. Rogers (2) (Further consideration)  
 Olney v. Bates (Further consideration)  
 Atherton v. Mather (Cl)  
 Elkington v. Aplin (2) (F D, C)  
 Neely v. Lyall (Further cons.)  
 Bennett v. Powell (Cause)  
 Leonard v. Shackles (F D, C)  
 Church v. Marryat (Cause)

Alcock v. Kempson (3) (F D, C)  
 Deacon v. Colquhoun (Further consideration)  
 Johnson v. Tucker (Further consideration)  
 Wayne v. Lewis (2) (E, F D, C)  
 Barrett v. White (3) (F D, C)  
 Jenkyn v. Vaughan (Cause)  
 Goodall v. Skorratt (Further consideration)  
 Andrews v. Pugh (Cause)  
 Paulet v. Jackson (2) (F D, C)  
 Clavering v. Ellison (Cause)  
 Jordan v. Frost (M for decree)  
 Smith v. Foster (Cause)  
 Taylor v. Taylor (M for dec.)  
 Durning v. Mather (Cl)  
 Garner v. Moore (Subsequent F D, C, Ptn)  
 Newman v. Cook (Cl)  
 Byam v. Wellum (2) (Cause)  
 Deeks v. Stanhope (4) (Cause)  
 Bunny v. Turner (Cause)  
 Beavers v. Beavers (F D, C)  
 Woodhouse v. Slater (Cl)  
 Ross v. Raven (Cause)  
 Fallows v. Lowe (M for decree)  
 Wilton v. Colvin (Special case)  
 Melling v. Leak (Cl)  
 Harrison v. Guest (Cause)  
 Hodson v. Buxton (Cause)  
 Milnes v. Aked (M for decree)  
 Willoughby v. Sanders (M for decree)  
 Henderson v. Dodds (2) (M for decree)  
 Fanshaw v. Walter (3) (F D, C)  
 Halpike v. Bowden (2) (Ca.)  
 Lucas v. Lucas (10) (F D, C)  
 Durant v. Durant (2) (Further consideration)

Before Vice-Chancellor Sir W. P. WOOD.

CAUSES, &c.

Bryant v. Tyler (D)  
 Chaffers v. Day (E to answer)

Same v. Same (E to answer)  
 Parr v. Jewell (Cause)

Rider v. Wood (Special case)  
 Bond v. England (Sp. case)  
 Lloyd v. Holme (Special case)  
 Last v. Goldsmith (F D, C)  
 Dipple v. Smart (F D, C)  
 Rhodes v. Beart (F D, C)  
 Smith v. Tite (F D, C)  
 Jeffery v. Jeffery (M for dec.)  
 Lechmere v. Curtler (Sp. case)  
 In re Archbold } (Further  
 Dunn v. Bowmass } cons. from  
 Dunn v. Pears } chambers)  
 Perry v. Turpin (Cause)  
 Balls v. Perry (M for dec.)  
 Potter v. Jenkinson (Cause)  
 Stothard v. Cooper (Further  
 consideration)  
 Stothard v. Cooper (Cause)  
 Barrow v. Barrow (M for dec.)  
 Williamson v. Tomkins (Cau.)  
 Penny v. Avison (M for dec.)  
 Harris v. Bell (Cause)  
 Smith v. Poyser (M for dec.)  
 Lake v. Russell (Cause)  
 Johnes v. Cox (Cl)  
 Legge v. Edmonds (Cause)  
 In re Owen } (Further  
 Sibley v. Owen } cons.)  
 Dunning v. Owen } S O  
 King v. King (Further cons.)  
 Tweedale v. Johnson (F D, C)  
 Tweedale v. Johnson (Supp.  
 cause)  
 Gibson v. Jones (M for dec.)  
 Ross v. Veal (M for decree)  
 Patrick v. Battams (Cause)  
 Clarke v. Zotti (Further cons.)  
 Morley v. Mendham (M for  
 decree)  
 Baker v. Baker (Cause)  
 Grover v. Outhwaite (Special  
 case)  
 Field v. Barnewall (Further  
 consideration)  
 Thompson v. Teulon (2) (Further  
 consideration)  
 Wright v. Vanderplank (Cau.)  
 Nash v. Westminster Improvement  
 Commissioners (M for  
 decree)  
 Whish v. Whish (M for dec.)  
 Tollit v. Tollit (M for dec.)  
 Attwood v. Cripps (M for decree)  
 Haldane v. Leeming (Cause)  
 Riccard v. Prichard (M for  
 decree)  
 Lawton v. Anderton (Further  
 consideration)  
 Green v. Harrison (Cause)  
 Powell v. Keyse (M for dec.)  
 Olliver v. King (Cause)  
 Rowley v. Unwin (Cause)  
 Angier v. May (M for decree)  
 Terrell v. Prichard (M for decree)  
 Roberts v. Kerslake (F D, C)  
 Chauntler v. Greenwood (Ca.)  
 Hobson v. Brown (Cause)  
 Cuerton v. Bunnett (Cause)  
 Hay v. Dowling (Cause)  
 Williams v. Salmond (Cause)  
 Nicholson v. Tutin (M for decree)  
 Wallis v. Woodyard (Cause)  
 Wood v. Scarth (Cause)  
 Wickham v. Wickham (Cause)  
 Buncombe v. Smith (M for  
 decree)  
 Jones v. Shawe (M for decree)  
 Parkinson v. Chambers (Cau.)  
 Benn v. Griffith (F D, C)  
 Malden v. Maine (Cause)  
 Campbell v. Scott (F D, C)  
 Potts v. Birmingham Canal  
 Navigation Co. (3) (Further  
 consideration)  
 Thorne v. Kerr (Cause)  
 Weston v. Sterne (Cause)  
 Pellew v. Horsford (Cause)  
 Aubin v. Holt (Cause)  
 Blenkinsop v. Day (Further  
 consideration)  
 Milward v. Bakewell (M for  
 decree)  
 Simpson v. Morley (M for  
 decree)  
 Armitage v. Walker (Cause)  
 Wallgrave v. Tebbs (M for  
 decree)  
 Furnell v. Mackay (M for dec.)  
 Ellerton v. Darby (M for decree)  
 July 4  
 Field v. Bradley (Cl)  
 Thomas v. Thomas (Cause)  
 Shripley v. Lambert (2) (Cau.)  
 Bird v. Johnson (Further  
 consideration)  
 Haynes v. Forshaw (Further  
 consideration)  
 Richardson v. Lightfoot (Cau.)  
 M'Murray v. Spicer (Cause)  
 Payne v. Evans (Special case)  
 Arnold v. Arnold (Further  
 consideration)  
 Hopkinson v. Bunny (Cause)  
 Bess v. Fraser (Cause)  
 Bracher v. Reed (F D, C)  
 Moody v. Cooper (Cause)  
 Snow v. Booth (Cause)  
 Barker v. Johnson (M for  
 decree)  
 Lyle v. Truscott (Cause)  
 Pickford v. Washington (M  
 for decree)  
 Prout v. Prout (Further  
 consideration)  
 Bowen v. Jones (M for decree)  
 Higgin v. Lane (Further  
 consideration)  
 Wright v. Kitchen (Further  
 consideration)  
 Buckley v. Newton (Cause)  
 Musgrave v. Flood (Further  
 consideration) S A  
 Cogswell v. Armstrong (M for  
 decree)  
 Dacre v. Strachan (Cause)  
 Lady Wellesley v. Earl Mornington  
 (Cause)  
 Wainman v. Field (Further  
 consideration)  
 Blagrove v. Routh (Cause)  
 Fox v. Platt (Special case)  
 Atcherley v. Du Moulin (Special  
 case)  
 Raworth v. Parker (M for decree)  
 Woodcock v. Couchman (M  
 for decree)  
 Purday v. Purday (Cl)  
 Meek v. Hebben (M for dec.)  
 Billson v. Scott (Cl)  
 Cobden v. Bourne (Cause)  
 Stacey v. Phelps (M for dec.)  
 Selby v. Fremlin (Cause)  
 Cole v. Burgess (Further  
 consideration)  
 Lea v. Church (Further  
 consideration)  
 Toynbee v. Duckering (Cause)  
 Hopps v. Wood (M for decree)  
 In re M'Evoy's } (Further  
 Estate } cons. from  
 M'Evoy v. Tucker } chambers)  
 Crawford v. North-eastern  
 Railway Co. (M for decree)  
 Sparrow v. Barrell (Cause)  
 Swan v. Bryan (Cause)  
 Cattley v. Arnold (Cause)  
 Wignell v. Wignell (Cause)  
 Polhill v. Morgan (Further  
 consideration)  
 Ledward v. Hassells (M for  
 decree)  
 Bagshawe v. White (Further  
 consideration)  
 Bellamy v. Sabine (1) (Further  
 consideration)  
 Wills v. Lane (Cause)  
 Plumbers' Co. v. Corbett (M  
 for decree)  
 Roddam v. Morley (M for  
 decree)  
 Jones v. Renouf (M for dec.)  
 Thornton v. Stokill (Further  
 consideration).

## CIRCUITS OF THE JUDGES.

(Mr. Baron MARTIN will remain in Town).

SUMMER CIRCUITS, 1855.	S. WALES.	N. WALES.	OXFORD.	NORFOLK.	MIDLAND.	HOME.	NORTHERN.	WESTERN.
	Ld. Campbell	L. C. J. Jervis	L. C. B. Pollock J. Erle	B. Parke B. Alderson	J. Coleridge J. Maule	J. Wightman J. Cresswell	B. Platt J. Crowder	J. Williams J. Crompton
Tuesday, <i>July</i> 10	.....	.....	Abingdon	.....	Northampton.	.....	York & City	Winchester
Wednesday... 11	.....	.....	.....	Aylesbury	.....	Hertford	.....	.....
Thursday... 12	Cardigan	.....	Oxford	.....	.....	.....	.....	.....
Friday... 13	.....	.....	.....	Bedford	Leicest. & B.	.....	.....	.....
Saturday... 14	Haverford-	.....	.....	.....	.....	.....	.....	.....
Monday... 16	[west & Tn.	.....	Worcester &	.....	.....	Chelmsford	.....	Dorchester
Tuesday... 17	.....	Newtown	[City	.....	Oakham	.....	.....	.....
Wednesday... 18	Cardmarthen	.....	.....	Huntingdon	Lincoln &	.....	.....	.....
Thursday... 19	.....	.....	Stafford	.....	[City	.....	.....	Exeter & G
Friday... 20	.....	Dolgelly	.....	Cambridge	.....	.....	.....	.....
Saturday... 21	.....	.....	.....	.....	Nottingham	.....	.....	.....
Monday... 23	Cardiff	Carnarvon	.....	.....	[& Town	Lewes	.....	.....
Tuesday... 24	.....	.....	.....	Norwich and	.....	.....	Durham	.....
Wednesday... 25	.....	.....	.....	[City	Derby	.....	.....	Bodmin
Thursday... 26	.....	Beaumaris	Shrewsbury	.....	.....	.....	.....	.....
Saturday... 28	Brecon	Ruthin	Hereford	Ipswich	Warwick	Maidstone	.....	.....
Monday... 30	.....	.....	.....	.....	.....	.....	Newcastle &	Wells
Wednes., <i>Aug.</i> 1	.....	Mold	Monmouth	.....	.....	.....	[Town	.....
Thursday... 2	Presteign	.....	.....	.....	.....	.....	Carlisle	.....
Saturday... 4	Chester &	Chester &	Gloucester &	.....	.....	.....	.....	Devizes
Monday... 6	[City	[City	[City	.....	.....	Croydon	Appleby	Bristol
Wednesday... 8	.....	.....	.....	.....	.....	.....	Lancaster	.....
Saturday... 11	.....	.....	.....	.....	.....	.....	Liverpool	.....



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## GAZETTES.—FRIDAY, June 22.

## BANKRUPTS.

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**WILLIAM BATLEY**, Northampton, engineer, July 2 at 1, and Aug. 13 at half-past 1, London: Off. Ass. Pennell; Sols. Lewis & Co., 6, Raymond-buildings, Gray's-inn.—Pet. f. June 21.

**JOHN PARKER MARSH**, Bishopsgate-street, dealer and chapman, June 28 at 11, and Aug. 9 at half-past 12, London: Off. Ass. Johnson; Sol. Harris, Moorgate-street, London.—Pet. f. June 9.

**CHARLES VINER**, Berge-yard, Bucklersbury, dealer and chapman, June 29 at half-past 12, and Aug. 9 at 12, London: Off. Ass. Bell; Sol. Hubbard, 13, Bucklersbury.—Pet. f. June 20.

**JOSEPH HARDEN**, Webb-street, Southwark, and Three Oak-lane, Horsleydown, dealer and chapman, June 29 and Aug. 9 at 12, London: Off. Ass. Bell; Sols. Brady & Son, 1, Staple-inn.—Pet. f. June 19.

**FANNY LITTLEWOOD and SARAH LITTLEWOOD**, Manchester, licensed victuallers, July 5 and 26 at 12, Manchester: Off. Ass. Hernaman; Sol. Wilson, Manchester.—Pet. f. June 12.

**RICHARD BARTLAM**, Wolverhampton, dealer and chapman, July 4 and 23 at half-past 10, Birmingham: Off. Ass. Christie; Sols. Motteram & Knight, Birmingham.—Pet. d. June 13.

## MARTINGS.

**James Speller**, Wapping High-street, sail maker, July 3 at half-past 12, London, last ex.—*Thomas Harvey*, Great St. Helens, money scrivener, July 4 at 1, London, last ex.—*W. Tyree*, Blackfriars-road, shoe manufacturer, July 4 at 2, London, last ex.—*Wm. Giltus*, Isleham, Cambridgeshire, draper, July 5 at 11, London, aud. ac.—*David Halket*, Herne Bay, shipowner, July 4 at 12, London, aud. ac.—*William Fitch*, Old Fish-street-hill, Upper Thames-street, stationer, July 4 at half-past 12, London, aud. ac.—*Raffaet Monti*, Great Marlborough-street, and Princes-street, Hanover-square, sculptor, July 4 at 12, London, aud. ac.—*G. C. Long*, Dartford, draper, July 4 at 1, London, aud. ac.—*J. Partridge*, Wednesbury Oak, Tipton, Staffordshire, corn-factor, Aug. 3 at 11, Birmingham, aud. ac.—*Jas. W. Lewty*, Wilden, Worcestershire, *Wm. H. Partridge*, Birmingham, and *Edmund Lewty*, Stourport, Worcestershire, tin-plate workers, Aug. 3 at 11, Birmingham, aud. ac.; Aug. 4 at 11, div.—*George Porteus Roby*, Leamington Priore, Warwickshire, fishmonger, July 11 at half-past 10, Birmingham, aud. ac.—*William Malliband*, Great Claybrook, Leicestershire, fellmonger, Aug. 3 at 11, Birmingham, aud. ac.—*David Cooper*, Birmingham, pearl button maker, Aug. 3 at 11, Birmingham, aud. ac.—*James Rumsey*, Coventry, licensed victualler, Aug. 4 at 11, Birmingham, aud. ac.—*Edward Carrington*, Birmingham, grocer, Aug. 4 at 11, Birmingham, aud. ac. and div.—*John Hardy*, Castle Donington, Leicestershire, cattle dealer, July 24 at half-past 10, Nottingham, aud. ac. and div.—*Thomas Robinson*, Hexham, Northumberland, currier, July 12 at 12, Newcastle-upon-Tyne, aud. ac.—*Wm. Smethurst*, Manchester, Jacquard machine maker, July 2 at 12, Manchester, aud. ac.—*William Houston*, Manchester, joiner, July 3 at 12, Manchester, aud. ac.—*William Pickup*, Blackburn, Lancashire, brick maker, July 4 at 12, Manchester, aud. ac.—*James Hardcastle*, Manchester, tavern keeper, July 2 at 12, Manchester, aud. ac.—*Wm. Westmore Cowherd Kirkham*, Manchester, money scrivener, July 4 at 12, Manchester, aud. ac.—*James S. Skipper*, Liverpool, corn merchant, July 2 at 11, Liverpool, aud. ac.—*Wm. Shaw and Henry Shaw*, Mold-green, near Huddersfield, dyers, July 24 at half-past 12, Leeds, aud. ac.—*W. Gibson*,

Alford, Lincolnshire, inkkeeper, July 11 at 12, Kingston-upon-Hull, aud. ac.—*Samuel Oldfield*, John Allen, and Edward John Sinclair Cozens, Huddersfield, woollen-cloth merchants, July 5 at 11, Leeds, aud. ac.—*Thos. Nicholson*, Leeds, machine maker, July 5 at 11, Leeds, aud. ac.—*C. Hargroves and Michel Hargreaves*, Bradford, whitesmiths, July 5 at 11, Leeds, aud. ac.—*Frederick Wm. Holmes*, Leeds, wine merchant, July 5 at 11, Leeds, aud. ac.—*George Nicholas Solomon Chapman*, Boughton Malherbe, Kent, dealer and chapman, July 16 at 11, London, div.—*George Jessop*, Cliftonville, Sussex, builder, July 13 at 12, London, div.—*Catherine Dixon*, Lymington, tailor, July 14 at 1, London, div.—*Thomas Lands*, High-street, Camden-town, shoe vendor, July 13 at half-past 11, London, div.—*Geo. Hennes*, Duke-street, Westminster, railway contractor, July 13 at half-past 12, London, div.—*John Loftis*, Strand, printer, July 13 at 11, London, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**John Overbury**, Frederick's-place, Old Jewry, woollen warehouseman, July 16 at half-past 11, London.—*Thomas Grist*, Salisbury, woollendrapier, July 13 at 11, London.—*Henry Joseph Pratt*, New Bond-street, trunk maker, July 13 at 11, London.—*John Loftis*, Strand, printer, July 13 at 11, London.—*George Edward Neal*, Pembury, Kent, inkkeeper, July 14 at half-past 12, London.—*William Perfect Lockwood*, Wakefield, chemist, July 14 at 12, London.—*Catherine Dixon*, Lymington, tailor, July 14 at 1, London.—*William Whaley*, Charles-street, Camberwell New-road, builder, July 17 at 1, London.—*Wm. Hoar*, Bishopsgate-street Without, stationer, July 16 at 12, London.

To be granted, unless an Appeal be duly entered.

**Benjamin Newton**, Brighton, brush manufacturer.—*John Dickie and David Dickie*, Portsea, drapers.—*William Attack*, Canning-town, Plaistow-marshes, engineer.—*John Thynne Carr*, Regent-terrace, City-road, timber merchant.—*Charles Abbott*, James-street, Long-acre, licensed victualler.

## TUESDAY, June 26.

## BANKRUPTS.

**HENRY LOCKEY EDRIDGE**, Monmouth-road, Baywater, dealer and chapman, July 6 at 11, and Aug. 10 at half-past 1, London: Off. Ass. Whitmore; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. June 23.

**WILLIAM EPWORTH TUKE**, Mark-lane, wine and spirit broker, July 6 at half-past 1, and Aug. 10 at 1, London: Off. Ass. Whitmore; Sols. Marten & Co., Mincing-lane.—Pet. f. June 22.

**DANIEL GOLDING**, Isleham, Cambridgeshire, butcher, July 6 at 12, and Aug. 10 at 11, London: Off. Ass. Cannan; Sols. Hawkins & Co., 2, New Boswell-court, Lincoln's-inn; Hustwick, Soham, Cambridgeshire.—Pet. f. June 22.

**FREDERICK DIVERS**, Great Bell-alley, Moorgate-street, licensed victualler, July 6 at half-past 12, and Aug. 10 at half-past 1, London: Off. Ass. Whitmore; Sol. Warrand, 73, Basinghall-street.—Pet. f. June 22.

**ROBERT MARTIN and DAVID WARDLAW SCOTT**, Great St. Helens, dealers and chapmen, July 6 and Aug. 10 at 12, London: Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Pet. f. June 23.

**FRANCIS EDWARD TUCKER**, Copthall-buildings, London, and Hornchurch, Essex, commission agent, July 6 at 2, and Aug. 9 at 12, London: Off. Ass. Johnson; Sols. Spyer & Son, 30, Broad-street-buildings.—Pet. f. June 18.

**RICHARD KIRKMAN LANE**, Argyle-street, Regent-street, and Union-crescent, Wandsworth-road, dealer and chapman, July 7 and Aug. 13 at 11, London: Off. Ass. Nicholson; Sol. Mason, Moira-chambers, 17, Ironmonger-lane.—Pet. f. May 24.

**SAMUEL THRIVES and WILLIAM HARRISON**, Nottingham, upholsterers, July 17 and Aug. 7 at 10, Nottingham: Off. Ass. Harris; Sols. Coope, Nottingham; Harrison & Wood, Birmingham.—Pet. d. June 22.

**THOMAS ROBERTS**, Llanstephan, Carmarthenshire, and Newport, Monmouthshire, dealer and chapman, July 9 and Aug. 6 at 11, Bristol: Off. Ass. Acraman; Sols. J. & R. Crutwill, Bath; Bevan & Girling, Bristol.—Pet. f. June 25.

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THE JURIST.

LONDON, JUNE 30, 1855.

Our last synopsis of cases decided by the Court of Criminal Appeal will be found in 18 Jur., part 2, p. 65. We now proceed to place before our readers a review of the cases decided in the interval, believing that it will be found useful at this time, when the sessions and assizes are approaching.

**Concealment of Birth.**—The dead body of a child was placed by the prisoner under the bolster of the bed in which she was lying, with the intention of endeavouring to conceal the body from the surgeon, but intending afterwards to remove it to some other place; and it was held (Pollock, C. B., dissentiente) that this was a sufficient disposing of the body to support a conviction, under the 9 Geo. 4, c. 31, s. 14, for concealing the birth of the child. (*Reg. v. Perry*, 1 Jur., N.S., part 1, p. 408).

**Conspiracy.**—In *Reg. v. Carlisle and Another* (18 Jur., part 1, p. 386) it has been decided that where two persons, acting in concert, make false and fraudulent representations to a creditor of one of them, and thereby induced him to forego part of his claim, they may be convicted of conspiracy. The following were the facts:—B. had purchased a mare of the prosecutor for 39l. upon credit. B. and C. subsequently conspired to give a false account of the mare's soundness, and thereby induced the prosecutor to take 27l. in satisfaction of his claim. It was contended for the prisoners that the indictment could not be sustained, inasmuch as the right of the prosecutor to his full claim was not altered, acceptance of the smaller sum being no satisfaction of the larger; and therefore it could not be said that he was cheated or defrauded.

**Embezzlement.**—Nice points frequently arise upon the question as to whether a servant has received

money on account of his master. The following is an instance:—The prisoner was employed to superintend the grinding of corn at the mill of a county gaol. He had no right to grind any corn except such as was brought to him with a ticket, and had no leave to grind any grain for his private benefit. In breach of his duty, however, he did grind certain corn without a ticket, and received money for it, and appropriated it to his own use. The Court held that this was not receiving money on account of his masters, but an improper use of the machinery intrusted to him. (*Reg. v. Harris*, 18 Jur., part 1, p. 408).

In *Reg. v. Gibbs* (1 Jur., N.S., part 1, p. 118) the point decided was upon the relation of master and servant. The prisoner was a carrier, employed only between certain glove sewers and the manufacturers in carrying the gloves from the one to the other, and receiving the money for the work, and paying it to the glove sewers, after deducting his charge. He appropriated some of the money so received, and was indicted for embezzlement but it was held that he could not be considered the servant of the persons defrauded. He was bailee of the money, and therefore his offence amounted only to a breach of trust.

**Evidence.**—See *Practice*.

**False Pretences.**—A case, (*Reg. v. Eagleton*), involving most important points, has been fully argued before all the judges, and is now standing over for judgment. The defendant, a baker, was under a contract to supply the poor of a union with loaves of bread of a certain weight. He supplied loaves deficient in weight, and made a return to the relieving officer of the number of loaves he had supplied. The question is, whether this is obtaining money by false pretences, and the judgment is anxiously looked for, inasmuch as it will probably go far towards settling what amounts to an offence within the statute.

An indictment, which alleged that the defendant falsely pretended that a certain sum of money was "due and owing" to him for work, was held to be bad, as not containing an allegation of a false pretence of an existing fact. The allegation that money was "due and owing" amounted to no more than a mere matter of opinion, either as regarded fact or law. (*Reg. v. Oates*, 1 Jur., N. S., part 1, p. 429).

Another example of what will be held to amount to a false pretence of an existing fact is afforded by the case of *Reg. v. Archer*, (1 Jur., N. S., part 1, p. 479). There the defendant obtained goods by falsely pretending that he wanted them for J. S., whom he represented to be a person of opulence. The prosecutors supplied the goods to the defendant for himself, and gave him credit for them. There was no such person as J. S.; and the conviction was affirmed.

*Forgery.*—The 11 Geo. 4 & 1 Will. 4, c. 68, s. 18, makes it a felony to engrave, or in anywise make, upon any plate, &c., any bill of exchange or promissory note for the payment of money, or any part of any bill of exchange or promissory note for the payment of money, purporting to be the bill or note of any persons, &c. carrying on the business of bankers, (other than and except the Bank of England), without the authority of such persons, &c. The Court, in putting a construction upon this section, have held that the word "note" does not mean merely the obligation or writing, but the whole paper or thing which circulates as a note, and that therefore the border or ornamental margin is part of a note within the meaning of the statute. (*Reg. v. Keitt*, 1 Jur., N. S., part 1, p. 454). In the same case it was also decided, that the engraving need not shew upon the face of it that it purports to be part of a genuine note, but that a comparison may be made with a genuine note.

*Larceny.*—*Reg. v. Watts* (18 Jur., part 1, p. 192) decides that an agreement, the subject-matter of which was of the value of 20*l.*, although unstamped, is a chose in action, and therefore not the subject of larceny. This case was argued before eleven of the learned judges, and Parke, B., dissented from the conclusion arrived at by the other ten.

A wife delivered some of her husband's goods to her adulterer, who knew that she had taken them without the husband's authority. This was held to be larceny in the adulterer. (*Reg. v. Featherstone*, 18 Jur., part 1, p. 538).

The prisoner, after he had assigned his goods to trustees for the benefit of creditors, and before the trustees had taken possession, and whilst they were still in his custody, removed the goods, intending to deprive his creditors of them. He was indicted for stealing the goods, and the jury expressly found that the goods were not in his custody as agent of the trustees. The Court were of opinion, that the jury having negatived the bailment, the prisoner could not be convicted of larceny. (*Reg. v. Pratt*, 18 Jur., part 1, p. 539).

A purse, with money in it, was left by a purchaser upon the prisoner's stall. It was pointed out to her by a third person, and she then put it in her pocket, and afterwards concealed it. When the owner returned, she denied all knowledge of the purse. The

jury found that the prisoner took up the purse knowing it was not her own, and intending at the time to appropriate it to her own use, but that she did not know who was the owner at the time she took it. It was held that the purse could not be considered as lost property, and therefore the prisoner was rightly convicted of larceny. If there had been evidence that the purse had been lost, then the jury ought to have been asked whether the prisoner had grounds to suppose that by reasonable efforts the owner might be found. (*Reg. v. West*, 18 Jur., part 1, p. 1031).

The prisoner, by representing to a fellow-servant that he had been sent by the managing clerk of their masters to remove some wheat, of which the masters were the consignors, obtained the key of a storehouse and removed the wheat, which was afterwards disposed of, with the privity of the prisoner, by other parties associated with him in the commission of the offence. It was contended for the prisoner that the offence did not amount to larceny, but was, if anything, false pretences. But the Court held it was larceny, Alderson, B., observing that it was sought to make the prisoner not guilty because he had told a lie. (*Reg. v. Robins*, 18 Jur., part 1, p. 1058).

A bargain was made for the sale of a dress at a certain price, and another dress was to be given into the bargain. The prisoners obtained part of the money, and then declined to take the remainder, but laid down the dress first produced, which was of little value, and refused to let the prosecutrix have the other. The question was whether this was larceny, or merely a breach of contract. The Court said, that assuming it formed part of the scheme that the property was to be obtained by a false sale, then there was no contract, but a fraud, by means of which the felony was committed; and the conviction for larceny was affirmed. (*Reg. v. Morgan and Another*, 18 Jur., part 1, p. 1086).

*Lawful Apprehension.*—A conviction for "wounding with intent to prevent a lawful apprehension" was quashed upon the following facts:—The prosecutor, a sergeant of police, was assaulted by the prisoner, and about two hours afterwards attempted, without having a warrant, to take the prisoner into custody, when he was again assaulted and wounded by the prisoner. (*Reg. v. Walker*, 18 Jur., part 1, p. 409). There was no continued pursuit, and the interference of the prosecutor was not for the purpose of preventing an affray. In order, therefore, to render the apprehension lawful, he should have been armed with a warrant.

*Lunatic.*—The provisions of stat. 16 & 17 Vict. c. 96, s. 9, do not apply to persons whose care or charge of a lunatic is purely of a domestic character; and therefore where a husband, living with a lunatic wife, was convicted upon an indictment for ill-treating the lunatic, the conviction was quashed. (*Reg. v. Rundle*, 1 Jur., N. S., part 1, p. 430).

*Maliciously cutting Trees.*—Upon an indictment under the 7 & 8 Geo. 4, c. 29, s. 38, for maliciously damaging growing trees, and doing injury to an amount exceeding 5*l.*, it was proved that the actual injury to the trees amounted to only 1*l.*, but that the repairs to the hedge in which they stood would bring up the amount to over 5*l.* The latter being only consequential damage, the Court held that the indictment was

not supported. (*Reg. v. Whiteman and Another*, 18 Jur., part 1, p. 434).

**Practice.**—It is no ground for arrest of judgment after conviction for a felony, that the indictment also contains a count for a misdemeanour. (*Reg. v. Ferguson*, 1 Jur., N. S., part 1, p. 73).

Some useful practice points have been decided in *Reg. v. Larkin*, (18 Jur., part 1, p. 539). A count for receiving stolen goods alleged that the prisoner received the goods of A. B., "he, the said A. B., then knowing them to have been stolen;" and it was held that the count was bad; that the objection was properly taken by motion in arrest of judgment after verdict; that the indictment was not amendable after verdict; and the amendment having been made by the Court below, the Court of Criminal Appeal ordered the record to be restored to its original state, and quashed the conviction. The Court expressed an opinion that the prisoner might be indicted again for the receiving, though not for the stealing. Alderson, B., reprobated the practice of setting out all the preliminary proceedings not material to the real questions to be raised. He suggested that the cases should be settled by the counsel.

The power of amendment under the 14 & 15 Vict. c. 100, was again brought under the consideration of the Court in *Reg. v. Frost and Another*, (1 Jur., N. S., part 1, p. 406). The prosecutor was described as "George William Frederick Charles Duke of Cambridge." It was proved that "George William" were two of the duke's Christian names, and that he had other names, but of these there was no evidence. The sessions refused to amend by striking out the words "Frederick Charles;" and it was held—First, that the power of amendment given by the stat. 14 & 15 Vict. c. 100, is entirely in the discretion of the judge at the trial, and that such power should be exercised before the case goes to the jury. The Court of Appeal could not, therefore, say that the sessions were bound to amend. Secondly, that the sessions were right in refusing to strike out the words "Frederick Charles," but might have amended by striking out all the Christian names. Lastly, that as the indictment stood it contained matter of description which ought to have been proved, and as it was not, an acquittal should have been directed. *Lord Cardigan's case* (Dom. Proc., 1841) was considered in point.

An indictment charged, that "being able, and having the means," the prisoner neglected to support her child. There was no evidence that she had the means of doing it, but it was proved that she might have applied to the relieving officer, who would have provided the means. Conviction quashed, upon the ground that the allegation in the indictment was not proved. (*Reg. v. Chandler*, 1 Jur., N. S., part 1, p. 429).

We have two decisions upon the reception in evidence of the depositions of an absent or dead witness, under the 11 & 12 Vict. c. 42, s. 17. In the first, (*Reg. v. Wicker*, 18 Jur., part 1, p. 252), Channell, Serjt., after consulting Parke, B., ruled at Nisi Prius, that the deposition of a witness might be read who had come to the assize town, and into the building where the Court was sitting, but before the trial came on returned home by the advice of a medical man, who deposed

that it would have been highly dangerous for the witness to remain. While the trial was going on, the witness was travelling home. The construction thus put upon the words "unable to travel" is, not able to travel to the place at and in which the witness is to give evidence. In *Reg. v. Beaton* (18 Jur., part 1, p. 1058) the prisoner was committed upon a charge of feloniously wounding A. A. died, and it was held that A.'s deposition, taken before the committing magistrate, was properly received in evidence upon a trial for the murder. The admissibility of such evidence depends upon whether or not the prisoner, when before the magistrate, had a full opportunity for cross-examining the witness, and it is not necessary that the two charges should be identically the same. The deposition would have been good evidence before the statute, which makes no alteration in this respect.

If one prisoner calls a witness whose evidence tends to criminate a fellow-prisoner, the counsel of the latter has a right to cross-examine the witness, and address the jury upon his evidence. (*Reg. v. Luck and Others*, 1 Jur., N. S., part 1, p. 119).

Upon an indictment for uttering a counterfeit half-crown, evidence of a subsequent uttering of a counterfeit shilling is admissible to prove guilty knowledge. (*Reg. v. Foster*, 1 Jur., N. S., part 1, p. 407).

**Rape.**—The prisoner had connexion with a married woman, she supposing he was her husband. It was held, upon the authority of *Res v. Jackson*, (Russ. & R. C. C. 487), that this did not amount to rape. (*Reg. v. Clarke*, 18 Jur., part 1, p. 1059).

**Receiving Stolen Goods.**—Stolen goods were taken from the thief and restored to the owner, who then returned them to the thief, and sent him to dispose of them where he had sold others. The thief went to D. and sold the articles to him. A conviction against D. for receiving was quashed. (*Reg. v. Dolan*, 1 Jur., N. S., part 1, p. 72). In the above case *Reg. v. Lyons* (Car. & M. 217) was cited, but the learned judges thought that case could not be supported.

To constitute a felonious receipt of stolen goods, manual possession is not necessary, but it is sufficient if the goods are under the control of the person charged with the knowledge that they have been stolen. Upon an indictment for receiving a watch, the jury were told that if they believed the prisoner knew the watch had been stolen, and that if they believed it was in the custody of a person with the cognizance of the prisoner, that person being one over whom the prisoner had absolute control, or that the watch would be forthcoming if the prisoner ordered it, this direction was held to be quite proper. (*Reg. v. Smith*, 1 Jur., N. S., part 1, p. 575).

**Stealing from the Person.**—In *Reg. v. Simpson* (18 Jur., part 1, p. 1030) we have a decision upon what is a sufficient severance to maintain a conviction for stealing from the person. The prisoner by force drew the chain of a watch out of a waistcoat button-hole, but the watch key having been caught by another button, the watch and chain remained suspended. This was likened to *Lapier's case*, (1 Leach's C. C. 320), in which an earring was snatched at in a lady's ear, and separated from the ear, but was found amongst her curls; and it was held that the severance, although momentary, was sufficient to constitute the offence. The Court differed from the view taken by a majority of the judges in *Thompson's case*, (1 Moo. C. C. 78): there a book was drawn about an inch above the top of the inside pocket of the prosecutor's coat, and a majority of the judges held that it was not a sufficient asportation of the book to amount to a conviction for stealing from the person.



# FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 248).

## IV.—PROCEDURE—(Continued).

(to the Suits' Fund).

If money, which has been paid into court to the use of any suitor, has remained unclaimed for six years, it becomes applicable to the same purposes as the general fund of the court.

## V.—FEES.

The fees taken in respect of proceedings in the county courts may be divided into five classes:—

1. Those in respect of specific proceedings taken on the part of suitors, as on the summons, hearing, and other steps in the cause.
2. The general fund, which is taken on entering the plaint, and which is proportioned to the amount sought to be recovered.
3. Fees which are payable in respect of appraisements on executions.
4. Fees payable in respect of distraining for rent.
5. Fees payable in insolvency and protection cases.

### Judge's Fees, &c.

1. The first class of fees was appointed by an order of a Secretary of State, dated the 15th November, 1850, sanctioned by the Commissioners of the Treasury, in pursuance of the 9 & 10 Vict. c. 95, s. 37. A table of these fees, printed in large letters, is hung up in a conspicuous place in every clerk's office and county court, so that an immediate check on any attempt at overcharge is secured to every suitor desirous of taking any proceeding in the court. A table of these fees is subjoined.

TABLE OF FEES to be taken in the County Courts established by the 9 & 10 Vict. c. 95, on and after the 25th November, 1850.

N. B.—In cases within the ordinary jurisdiction of the courts, the under-mentioned poundage and fees are to be taken; but where the sum demanded is above 20*l.*, the poundage is to be taken on 20*l.* only. All fractions of a pound, for the purpose of calculating the poundage, shall be treated as an entire pound.

For every summons, 7*d.* in the pound on the amount of the demand.

For every application for a summons out of the district, 3*d.* in the pound on the amount of the demand. This sum to include every fee for such application.

Notice.—No other fee whatever is to be taken on the entry of a plaint, except for service by the high bailiff, and for affidavit of service out of the district.

For every hearing without a jury, 2*s.* 2*d.* in the pound on the amount of the demand.

For every hearing with a jury, 3*s.* 2*d.* in the pound on the amount of the demand.

Judgments by consent under the 13 & 14 Vict. c. 61, ss. 8, 9, and judgments upon applications in the nature of *sci. fa.*, to be charged the same fee as on the hearing of a cause without a jury.

Notice.—No other fee whatever is to be taken for the hearing or trial of a cause, except for the service of the order for the high bailiff.

For every subpoena, (each witness), 2*s.*, without reference to the amount of the demand.

For entering and giving notice of a special defence,

1*s.* 6*d.*, without reference to the amount of the demand.

For any adjournment of a cause or other matter to another court, at the request of either party, 3*d.* in the pound on the amount of the demand.

For paying money into or out of court, whether before or after judgment, on each payment not exceeding 10*s.*, 1*d.*, and on each payment above 10*s.*, 2*d.* in the pound on the amount of the payment.

For notice to be given, by prepaid post letter, to plaintiff, of every payment whatever made into court, 2*d.*, without reference to the amount of the payment. Out of this fee the postage of such letter is to be paid by the clerk.

For issuing any warrant, attachment, or execution, 2*d.* in the pound on the amount for which such warrant, attachment, or execution issues.

For taking recognisance, bond, or security for costs, 4*d.* in the pound on the amount of the demand.

For inquiring into sufficiency of sureties, 6*d.* in the pound on the amount of the demand.

For application for new trial, or to set aside proceedings, 6*d.* in the pound on the amount of the demand.

For every summons for commitment under the 9 & 10 Vict. c. 95, s. 98, 6*d.* in the pound on the amount of the original demand then remaining due.

For every hearing of the matters mentioned in such summons for commitment, 1*s.* in the pound on the amount last aforesaid.

Notice.—No other fees than the above to be taken on any account whatever, except the high bailiff's fees for service. No application to the court is to be charged with a fee except those above mentioned. No increase of fees shall be made by reason of there being more than one plaintiff or defendant.

### High Bailiff's Fees.

For serving every summons, order, or subpoena, within two miles of the court house, 1*d.* in the pound on the amount of the demand, except for the service of a summons under the 9 & 10 Vict. c. 95, s. 98, when the poundage is to be calculated on the amount of the original demand then remaining due.

For such service, if beyond two miles, then extra for every additional mile, 6*d.*, without reference to the amount of the demand.

For affidavit of service of summons out of the jurisdiction, 1*s.*, without reference to the amount of the demand.

For execution of every warrant or attachment against the goods or body within two miles of the court house, 1*s.* in the pound on the amount for which such warrant or attachment issues.

For such execution, if beyond two miles, then extra for every additional mile, 6*d.*, without reference to the amount for which such warrant or attachment issues.

For keeping possession of goods till sale, per day, (including expenses of removal, storage of goods, and all other expenses whatever), not exceeding five days, 6*d.* in the pound on the amount for which the execution issues. [This, however, does not apply to cases of interpleader, in which the costs and expenses of possession are in the discretion of the judge.]

For carrying every delinquent to prison, including all expenses and assistants, 1*s.* per mile, without reference to the amount mentioned in the warrant.

For issuing warrant to clerk of another court, 2*s.* 6*d.*, without reference to the amount mentioned in the warrant.

N. B.—Where the plaintiff recovers less than the amount of his claim, so as to reduce the scale of costs, the plaintiff to pay the difference.

The several fees payable on proceedings in replevin to be regulated on the above scale by the amount distrained for, and on proceedings for the recovery of tenements by the yearly rent or value of the tenement sought to be recovered; but in neither case to exceed the fees payable on a demand of 20*l*.

In cases of extraordinary jurisdiction, given to the court by the consent of parties to the trial of questions under the 13 & 14 Vict. c. 61, s. 17, the poundage shall be taken in every such case on the sum of 50*l*.

In cases of interpleader the summons is to be issued to the high bailiff gratis, and the poundage for the hearing is to be estimated on the value of the goods claimed, which, in case of dispute, is to be assessed by the judge. The costs, however, of the summons, estimated on the above-mentioned value, shall be included in the general costs, which may, in the discretion of the judge, be awarded at the hearing.

These fees are taken under the authority of an order made by a Secretary of State and two Commissioners of the Treasury on the 15th November, 1850.

2. *The General Fund.*—This fee is taken under the authority of the 9 & 10 Vict. c. 96, s. 52, which authorised the clerk of every court to demand on every plaint where the claim exceeded 20*s*., but did not exceed 40*s*., 6*d*., and where it exceeded 40*s*., 1*s*. in the pound. It will therefore be observed that the fee to the general fund was not made payable on any sum not exceeding 20*s*. A power, however, was reserved to diminish, though not to increase, the amount of the above fees, at the discretion of a Secretary of State, with the consent of the Commissioners of the Treasury; that power was in November, 1850, exercised, and the fee of 1*s*. in the pound was reduced to 8*d*. The other fee of 6*d*. in the pound, in sums between 20*s*. and 40*s*., was not interfered with. The fee for the general fund now received in the county courts remains as altered in the manner described. The object of this fee is to raise a fund for certain purposes, which will be explained under the head of "Application of Revenue."

3. *Appraisements.*—The fees payable in respect of appraisements are taken in pursuance of the 9 & 10 Vict. c. 96, s. 106. Those fees consist of 6*d*. in the pound on the value of the goods appraised, besides the stamp duty, and 1*s*. in the pound on the net produce of the sale for advertisements, catalogues, sale commission, and delivery of goods.

4. *Distresses.*—The fees payable in respect of distresses for rent are taken in pursuance of the 9 & 10 Vict. c. 96, s. 107. They are payable in cases where, the high bailiff having seized, and notice is received by him from the landlord that rent is in arrear, he is bound to distrain for a certain amount of the rent in arrear proportionate to the rent reserved. He is then entitled to receive, as the costs of the distress, such fees as are authorised by the 57 Geo. 3, c. 93, intituled "An Act to regulate the Costs of Distresses levied for Payment of Small Rents."

5. *Insolvency and Protection.*—The fees payable on proceedings in insolvency and protection cases are taken in conformity with the subjoined scales, which were issued under the sanction of a Secretary of State and two Commissioners of the Treasury on the 8th July, 1851.

#### IN PROTECTION CASES.

##### Clerk's Fees—(as Registrar).

	s.	d.
On filing every petition, affidavit, or other document ... ..	1	0
On swearing every affidavit ... ..	1	6
For every certificate to authorise advertisement in London Gazette ... ..	2	6
For entering every matter for hearing ... ..	1	0
For every order pronounced ... ..	5	0

For every subpoena ... ..	2	0
For every search ... ..	1	0
Preparing warrant to bring up petitioner under the 7 & 8 Vict. c. 96, s. 7, or order of remand under sect. 24 ... ..	3	4
For every sitting held in the matter of any petition ... ..	5	0
For office copies of proceedings, (each folio) ... ..	0	1½
N. B.—When an office copy is made to which a printed form is applicable, printed words are not to be computed by folio, but paper and print will be charged as two folios, 3 <i>d</i> ., whether the copy be of a schedule or of any other proceeding.		

##### Clerk's Fees—(as Official Assignee).

	s.	d.
For every letter for debt, notice of audit and proof, or notice of dividend, (inclusive of postage) ... ..	0	4
For summoning assignee to audit and proof of debts, or to dividend meeting ... ..	3	4
Sitting, attendance, &c. at audit and proof of debts, or dividend meeting ... ..	5	0
Duplicate list of creditors for official assignee, (per folio) ... ..	0	1½
For preparing Gazette notice of dividend, (exclusive of charge for insertion and Gazette) ... ..	3	4
Per-centage on gross amount of receipts, (not exceeding 5 <i>l</i> . per cent.)		

#### IN GAOL CASES.

##### Clerk's Fees.

Order for hearing ... ..	1	0
Warrant to bring up prisoner ... ..	1	0
Adjudication ... ..	1	0
Warrant to gaoler to bring up prisoner, or to discharge prisoner ... ..	1	0
Warrant of attorney executed by prisoner ... ..	2	6
Fee on hearing ... ..	5	0
For office copies of proceedings, (each folio) ... ..	0	1½

#### IN PROTECTION CASES.

##### High Bailiff's Fees—(as Messenger).

Executing warrant of seizure, (to be allowed only when the judge directs warrant to be executed) ... ..	5	0
Keeping possession, for each day the man is actually in possession, (of which 3 <i>s</i> . 6 <i>d</i> . to be paid to the man), and including affidavit of possession being kept, per day, (the number of days charged to be allowed by the clerk) ... ..	4	6
Preparing advertisements for Gazette or newspapers, and attending to insert same, (besides sum paid for insertion and Gazette) ... ..	3	4
For attendance on court at each sitting ... ..	2	0
Executing warrant to bring up petitioner under the 7 & 8 Vict. c. 9, s. 76, or order of remand under sect. 24, (besides necessary expenses out of pocket, to be submitted to and taxed by the court) ... ..	6	8
On commitment of any person by the judge executing the warrant, (besides necessary expenses, &c. as above) ... ..	6	8
Preparing and service of notice to creditors, on each creditor, by post, including postage thereof and affidavit of service ... ..	0	4
Ditto, (if directed by the judge to be served personally, including affidavit of service) ... ..	1	6
Messenger's man travelling to place of possession to execute warrant of commitment, or any other purpose specially directed by the court, per mile ... ..	0	6
If messenger directed by the court personally to travel, his travelling, per mile ... ..	0	6
" " " his time per day ... ..	10	0
" " " his expenses per day ... ..	10	0

## IN GAOL CASES.

*High Bailiff's Fees.*

For every copy of order for hearing sent to each creditor, to the amount of 5*l.* and upwards, (including postage) ... 0 4

## VI.—COSTS.

We shall now state the rule prevailing with respect to costs as distinguished from fees of court.

It is to be observed that no scale of costs as between attorney and client, except in the particular instances hereafter mentioned, exists in the county courts. Any claim, with those exceptions, which an attorney has against his client for services rendered, must be taxed on the scale of some other court.

As between party and party, costs of counsel or attorney previous to the hearing are not allowed in any case. Costs of counsel or attorney on the hearing can only be allowed by order of the judge. Costs of witnesses and other expenses are also entirely in the discretion of the judge, but in default of any special direction to the contrary, they abide the event of the action. (See ante, p. 216).

The costs allowed are divided into four classes—first, of counsel; second, of attorney; third, of witnesses; fourth, of other expenses.

*Counsel.*—In general, the amount of the claim determines the amount of the fee to counsel: thus, when the claim does not exceed 5*l.*, a fee to counsel cannot be allowed against the opposite party, though it seems it may against the client; where the claim exceeds 5*l.*, but does not exceed 20*l.*, a fee of 1*l.* 3*s.* 6*d.* only can be allowed; where the claim exceeds 20*l.*, but does not exceed 50*l.*, a fee of 2*l.* 4*s.* 6*d.* only can be allowed; where it exceeds 50*l.*, and in other cases under the consent clause, no scale exists.

*Attorney.*—Fees to the attorney vary with the amount of the claim sought to be recovered. Where the claim does not exceed 40*s.*, the attorney cannot recover costs from any one; where it exceeds 40*s.*, but does not exceed 5*l.*, he can only recover from his own client 10*s.*, and nothing from the opposite party; when it does exceed 5*l.*, but does not exceed 20*l.*, his costs may be allowed to the amount of 15*s.*; where the demand in any plaint in covenant, debt, detinue, or assumpsit exceeds 20*l.*, but does not exceed 35*l.*, he may be allowed 1*l.* 10*s.*; and where the demand exceeds 35*l.*, but does not exceed 50*l.*, he may be allowed 2*l.*

*Lay Advocates.*—A person other than an attorney who is allowed by the judge to appear for either party is not allowed to recover any remuneration for his services.

In demands exceeding 50*l.*, or other cases within the jurisdiction by consent, no scale of professional fees has been established.

*Witnesses.*—The allowance for the attendance of witnesses is fixed by a schedule attached to the rules of court, and which is subject to the discretion of the judge; but the amounts there allowed are in no case to be exceeded.

The following is the scale contained in the schedule:—

	PER DAY.	s. d.
Gentlemen, merchants, bankers, and professional men ...	7	6
Tradesmen, auctioneers, accountants, clerks, and yeomen ...	5	0
Journeymen, labourers, and the like ...	2	0
Travelling expenses, per mile, one way ...	0	6

*Other Expenses.*—Fees of court paid by the successful party, in order to support his claim or defence, become costs in the cause.

## VII.—ACCOUNTS.

We now proceed to state the manner in which the accounts of the courts are kept.

The clerk of each court is furnished with a certain number of books by the Treasury, and which are eight in number. They consist of the plaint book, minute book, execution and commitment book, foreign execution and commitment book, foreign execution book, cash book, fee book, and ledger.

These books are so arranged as to operate both as a record of the proceedings of the court, and a debtor and creditor account of all the receipts, whether of fees or other monies, which come to the hands of the clerk, and of all disbursements made by him. These books operate as a check, so as to render it difficult, if not impossible, for any misappropriation to escape detection. With respect to disbursements, as proper vouchers must be produced to the treasurer at his audit, any defalcation is readily discovered.

## VIII.—REVENUE.

In the year 1853 the total revenue of the courts, independent of the third and fourth classes of fees, and the fees in insolvency and protection cases, amounted to 258,518*l.* This sum was produced by the fees mentioned in the first and second classes, which were levied on the suitors of the courts.

With respect to the revenue arising from the third, fourth, and fifth classes, as those fees are very uncertain in amount, and are not accounted for by the persons receiving them, no return of them could conveniently be procured.

## IX.—APPLICATION OF REVENUE.

The purposes to which the above revenue is applied are the following:—

*Fees.*—The total amount produced by the fees, irrespective of the general fund fee and the fees under the title of high bailiffs' fees, is divided into forty parts. Nineteen fortieths are appropriated to the fund out of which the judges and their travelling expenses are paid; nineteen fortieths are appropriated to the use of the clerks; and two fortieths to the use of the high bailiffs. On examining the average for several years antecedent to making the above scale of fees, it was ascertained that the amount of judge's fees was nearly or exactly equal to that of the clerk's fees, and that the fees to the high bailiff, which by the new scale were abolished, for the duties performed by him in court, amounted to about one twentieth of the total of fees produced by proceedings in court. The reason for the division of the fund into fortieths instead of twentieths was, that if such a division as the latter were adopted, a proper share could not conveniently be appropriated to the different claimants upon it.

*General Fund.*—With respect to the produce of the general fund fee, the amount produced in the courts is devoted to the purposes appointed by law; that is to say, to provide court houses and offices, and the general expenses of the courts.

*High Bailiffs' Fees.*—The fees under the title of high bailiffs' fees are retained by the high bailiffs themselves. The fees belonging to the third and fourth classes are retained by the appraiser or the high bailiff, as the case may be, and the fees in insolvency and protection cases are retained by the clerks and high bailiffs.

## RECOMMENDATIONS.

## JURISDICTION.

We now proceed to state our opinions and recommendations concerning the matters referred to us by your Majesty's commission, and it will be convenient to commence with the subject of jurisdiction, as being that on which the other matters embraced in our report must mainly depend.

*Legal Jurisdiction.*

The jurisdiction to which our present report will be confined is that in respect of legal claims, leaving questions as to other branches of jurisdiction to be hereafter considered.

*Comparison of County Court Procedure with that of the Superior Courts.*—In examining the subject of jurisdiction, we have been necessarily led to compare the procedure in the superior courts with that established in the county courts. The result of that comparison may be shortly stated.

*Superior Courts.*—In the former, the means adopted for separating questions of law from those of fact, the exertions of skilled advocates accustomed to practise in the central tribunals of the country, the attendance of a learned and enlightened Bar, in whose presence each judge is required to fulfil the functions of his office, the facility for reviewing his opinion and direction, and for appealing from the decision of the full court, are calculated to insure the satisfactory administration of justice. On the other hand, considerable delay and expense necessarily result from bringing the machinery of those courts into full activity.

*County Courts.*—In the county courts, the absence of any pre-appointed means of separating questions of law from those of fact, the non-employment generally of legal advocates, the non-attendance of a Bar, the rapidity of the proceedings, and the power of the judge finally to decide on all questions of law and fact, except where the claim exceeds 20*l.* in amount, render the judgment of the court less secure against miscarriage. On the other hand, the county court is near to the residence of the suitors, and the proceedings are simple, cheap, speedy, and final.

*Claims of considerable Amount best decided in Superior Courts.*—In claims of considerable amount, we are of opinion that the inconveniences incident to the administration of justice in the superior courts are counterbalanced by the greater certainty in the application of the rules of law than can be expected in a tribunal so constituted as the county court.

*Small Claims beneficially decided in County Court.*—In claims of small amount we think that the evils caused by an occasional miscarriage are more than counterbalanced by the advantages presented by a local tribunal, the proceedings of which are simple, cheap, speedy, and final.

*"Small" Claims defined.*—It may perhaps be difficult satisfactorily to define the word "small," as it is a word of relation, but we think it may be conveniently treated, for the purposes of jurisdiction, as embracing claims not exceeding 20*l.*

*In former Class of Claims, Consent, express or implied, should be required to give Jurisdiction to County Court.*—

With regard to claims exceeding 20*l.*, but not exceeding 50*l.* in amount, we think the jurisdiction should remain concurrent as at present, but that such claims should be subject to removal by the defendant on certain conditions hereafter specified; and we are of opinion that claims of a greater amount, or such as involve questions otherwise excluded from the jurisdiction, should be decided by the county courts only where consent has been given for that purpose by both parties, or a superior tribunal has directed the matter to be disposed of in the county court.

*Powers to be increased without organic Change.*—We think that the powers and procedure of the court should be increased and improved, without making any organic change in its constitution, so as to render it as efficient as the nature of the tribunal will permit.

*Division of Subject.*—We propose to divide our recommendations on the subject of jurisdiction into two

parts—first, with reference to increasing the present jurisdiction of the courts; secondly, with reference to the introduction of additional securities for the due exercise of that jurisdiction.

## I.—WITH REFERENCE TO INCREASING THE PRESENT JURISDICTION OF THE COURTS.

We will first consider the jurisdiction of the court, so far as it extends to claims not exceeding 5*l.* in tort, and 20*l.* in contract, and which may be treated, except in certain cases, as its exclusive jurisdiction. Secondly, the jurisdiction in tort, where the claim exceeds 5*l.*, but does not exceed 50*l.*, and in contract, where it exceeds 20*l.*, but does not exceed 50*l.*, which is its principal jurisdiction concurrent with that of the superior courts. Thirdly, the jurisdiction in claims beyond that amount, and in certain otherwise excluded questions, which is the jurisdiction by consent.

*Exclusive Jurisdiction.*

*County Court originally intended to be a Small Debts Court—Experiment successful.*—First, then, as to that which may be treated as the exclusive jurisdiction of the court, in consequence of the penalty by deprivation of costs in the superior court, should the plaintiff not recover a sum to the amount of 20*l.* or 5*l.*, according to the nature of the claim. The object which the Legislature had in view when it established the county court evidently was, to secure to the public the benefit of a local tribunal, in which claims of a moderate amount, and not complicated in their nature, might be enforced with cheapness and rapidity. During the seven years which have elapsed since the establishment of the courts, the experiment has been eminently successful, and benefits have been conferred on the community by means of those courts which it is perhaps difficult to exaggerate. Honest claims have been enforced, and injuries have been redressed, which the expense, distance, and delay incident to the proceedings of the superior courts placed in effect beyond the power of the law. Facility to enforce rights has checked the commission of wrongs, and thus a more desirable state of credit and morality has been produced.

*Jurisdiction might be extended—Malicious Prosecution.*—The consideration which we have bestowed upon the subject has not induced us to recommend any considerable extension of the jurisdiction of the court. We think, however, that as actions for false imprisonment are now within the jurisdiction, actions for malicious prosecution might be properly brought within it.

*Matters of Title by Consent, with certain Modifications.*—We also recommend that the proviso contained in sect. 58 of the 9 & 10 Vict. c. 95, by which certain questions of title are excluded from the jurisdiction of the court, should continue in force, unless both parties should at the trial consent to the judge deciding the question in dispute. We think that such a jurisdiction might be beneficially conferred by the consent of both parties, where the question arises incidentally to the claim which it is the immediate object of the action to enforce. Thus, an action may be brought for the value of a tree which it is alleged that the defendant has wrongfully cut down. The defence may be, that the tree was growing on the defendant's own land. The question of title to the freehold then becomes a question incidentally arising in the cause, but which must be decided in order to dispose of the claim. Again: in an action for rent, if the tenancy under the plaintiff be denied, a question of title to the tenement may arise. Both parties may be quite willing that the judge of the county court should decide between them, but, as the law now stands, the judge has no power to do so, and consent would not confer jurisdiction for this purpose.

We recommend, therefore, that if both parties are willing to have the case decided by the county court judge, an entry to that effect should be made on the minutes of the court, and then that the judgment should be binding on the parties, so far as the immediate question in dispute is concerned, but should not be evidence of title between the parties or persons claiming by, through, or under them in any other proceeding. The parties might thus have the benefit of a proceeding similar to that of a reference to an arbitrator, and obtain an immediate decision at a small expense, instead of being forced to proceed in a superior court, at an expense and with an amount of inconvenience far exceeding the value of the matter in dispute; and by the provision which we recommend on the subject of evidence, future rights or ulterior proceedings would not be compromised.

It will be observed, that we do not recommend that jurisdiction should be conferred in such cases where the immediate object of the action is to recover something which the proviso enacts shall not be within the jurisdiction of the court; as, for instance, an action for tolls, or an action for the recovery of a tenement not within the meaning of sect. 122.

*Costs on Judgment by Default in Superior Court not to be allowed.*—The present law as to costs in the superior court, so far as it affects jurisdiction, should, we think, remain unaltered, with the exception, that where an action is brought in the superior court on a contract to recover a less sum than 20*l.*, and the defendant suffers judgment by default, the plaintiff should recover no costs, unless, upon application, a judge of a superior court should otherwise direct.

*Subject to Exceptions.*—This deprivation of costs, however, we propose should be subject to the exceptions contained in sect. 128 of the 9 & 10 Vict. c. 95, where the parties reside more than twenty miles apart, or the other circumstances contemplated by the section exist.

#### *Concurrent Jurisdiction.*

Secondly, we will consider the concurrent jurisdiction where the amount of the claim exceeds 5*l.* in tort, and 20*l.* in contract, but does not exceed 50*l.* In those cases the choice of tribunal between the superior court and the county court is vested in the plaintiff. This jurisdiction as to claims above 20*l.* was first conferred on the county court in the month of August, 1850, and has been exercised to a very considerable extent, as no less than 39,580 plaintiffs, both in tort and contract, ranging in amount between 20*l.* and 50*l.* inclusive, have been entered in the county courts between the time of passing the act and the 31st December, 1853; and of these 22,968 have been tried.

It may be useful to state the number of such plaintiffs which have been entered and disposed of in each year respectively since the passing of the Extension Act, 13 & 14 Vict. c. 61.

In 1850 there were 4297 plaintiffs entered, and 2436 causes tried; in 1851 there were 13,446 plaintiffs entered, and 8236 causes tried; in 1852 there were 12,567 plaintiffs entered, and 7020 causes tried; and in 1853 there were 9270 plaintiffs entered, and 5276 causes tried.

*Defendant's implied Assent required to give Jurisdiction in such Cases.*—We are of opinion that in such cases the defendant should have an opportunity of expressing his dissent from the plaintiff's choice of tribunal. We see no objection to the plaintiff being permitted, as at present, to exercise his option in the first instance, for he must in all cases initiate the proceedings; but the defendant, if not disposed to try the cause before the county court, ought to be permitted to try in the superior court, without assigning any reason, on giving satisfactory proof that his objection is not for the purpose of delay. For this purpose he

should be required to give, in the county court, security for the amount claimed, and costs in the superior court, or to make a deposit to the like amount, not exceeding in the whole 150*l.*, the costs in the court below being treated as costs in the cause. The plaintiff might then be transmitted to such one of the superior courts as the plaintiff should direct. If, however, the defendant do not declare his dissent, and comply with the condition above mentioned, within such time as shall be fixed by the practice of the court, he must be taken to assent to the cause being tried by the county court, and that tribunal may then dispose of the cause in the usual way.

This right of removal we intend to be in addition to the power to remove already existing by law in such cases.

*Balance on Allowance of Set-off recoverable in County Court.*—We are further of opinion, that if the sum claimed be a balance alleged to be due not exceeding 50*l.*, after making allowance for a set-off, if the claim and counter-claim do not respectively exceed 200*l.*, the case ought to be within the concurrent jurisdiction.

*Where Claim in Superior Court reduced to 50*l.* by Set-off, &c., Case may be referred to County Court.*—We also think that the concurrent jurisdiction may be rendered beneficially available by extending it to actions of malicious prosecution, and by enabling a judge, where, in an action brought in the superior court, it appears that a sum not exceeding 50*l.* is claimed in an action of contract, or that the claim is reduced, by set-off, payment, or otherwise, to a sum not exceeding 50*l.*, to direct, on the application of either party, and on such terms as he shall think fit, that the cause shall be heard in a county court.

*Questions of Title decided by Consent.*—Our recommendations with reference to deciding questions of title by consent, where the amount in dispute does not exceed 20*l.*, extend to cases where the claim exceeds 20*l.* and does not exceed 50*l.*

#### *Jurisdiction by Consent.*

Thirdly, with reference to the jurisdiction by consent. (See ante, pp. 181, 238). This power was conferred on the court by the 17th section of the 13 & 14 Vict. c. 61.

*Parties to be permitted to refer any Question within the Jurisdiction of Courts of Common Law, except Actions for Criminal Conversation.*—The principle of the section now under consideration is to permit parties, if so inclined, to refer to the county court judge as to an arbitrator; and we are of opinion that the principle should be applicable not merely to the matters enumerated in the above section, but should be extended to all questions, whether of law or fact, in which the courts of common law have jurisdiction, except claims for damages in respect of alleged criminal conversation. We think that claims of the latter description ought not to be made the subject of a proceeding by consent, as such a proceeding might be mischievously used, with the ulterior object of obtaining a divorce, in which the interests of the wife might in her absence be collusively sacrificed.

*Mode of Consent to be retained.*—We think, however, that the provisions of the statute as to the mode in which the consent of parties is required to be given should continue.

#### *Ejectment.*

We have already referred, in our statement of the jurisdiction, (ante, p. 180), to the power with which the county court is invested in certain cases to restore possession of tenements where the annual rent or value does not exceed 50*l.*, and no fine has been paid.

(To be continued).

**WILLIAM JONES**, Breeon, dealer and chapman, July 10 and Aug. 7 at 11, Bristol: Off. Ass. Acraman; Sols. Evans & Sons, Liverpool; Bevan & Girling, Bristol.—Pet. f. June 22.

**GEORGE BUTLER PONTING**, Devizes, innkeeper, July 9 and Aug. 7 at 11, Bristol: Off. Ass. Miller; Sols. Wittey, Devizes; Abbot & Lucas, Bristol.—Pet. f. June 16.

**GEORGE NORMAN BULT**, Tiverton, druggist, July 5 and Aug. 2 at 1, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Pet. f. June 20.

**WILLIAM BRIDGEWATER**, Cheltenham, coal merchant, July 9 and Aug. 7 at 11, Bristol: Off. Ass. Miller; Sols. Preen, Cheltenham; Abbot & Lucas, Bristol.—Pet. f. June 23.

**JOHN WARBURTON**, Sheffield, edge-tool manufacturer, (surviving partner of the firm of Warburton Brothers), July 7 and 28 at 10, Sheffield: Off. Ass. Brewin; Sol. Smith, jun., Sheffield.—Pet. f. June 19.

**JOHN BENTLEY CARR**, Bardsley, Ashton-under-Lyne, dealer and chapman, July 12 and Aug. 2 at 12, Manchester: Off. Ass. Herniman; Sols. Sale & Co., Manchester.—Pet. f. June 23.

#### MARRIAGES.

**Charles Kelly**, High-street, Kensington, and Baker-street, Portman-square, auctioneer, July 7 at half-past 1, London, last ex.—**Philemon Edwards**, Lower-street, Islington, iron-monger, July 7 at half-past 12, London, and. ac.—**Robert E. Barnes**, Sloane-street, Chelsea, wine merchant, July 7 at 11, London, and. ac.—**Thomas Collinson** and **John Henton Trillem**, Lombard-street, bankers, July 6 at 11, London, and. ac.—**Thomas Lands**, High-street, Camden-town, shoe vendor, July 6 at 11, London, and. ac.—**George Jessop**, Cliftonville, Hove, Sussex, builder, July 6 at half-past 11, London, and. ac.—**George Haworth**, **John Walsh**, and **Thomas Ainsworth**, Over Darwen, power-loom cloth manufacturers, July 12 at 12, Manchester, and. ac.; July 20 at 12, div.—**William Henry Hayward**, Devonport, tallow chandler, July 9 at 11, Plymouth, and. ac.—**John Smith**, Horton, Bradford, innkeeper, July 24 at 12, Leeds, and. ac. and div.—**Wm. Shaw** and **H. Shaw**, Mold Green, near Huddersfield, dyers, July 24 at half-past 12, Leeds, and. ac. and div. joint est., and and. ac. and div. sep. est. of **Wm. Shaw**.—**Charles Henry Harben**, Goulstone-street, High-st., Whitechapel, and Carlton-hill Villas, Camden-road, Holloway, wholesale cheesemonger, July 18 at half-past 1, London, div.—**Richard Tredinnick**, Haymarket, mining broker, July 17 at 11, London, div.—**John Gower**, Lawrence-lane, warehouseman, July 19 at half-past 11, London, div.—**John Harrison**, Sunderland, licensed victualler, July 19 at 11, Newcastle-upon-Tyne, fin. div.—**Wm. Martin**, Newcastle-upon-Tyne, joiner, July 19 at half-past 11, Newcastle-upon-Tyne, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Henry Nathaniel Byles**, Gosport, Southampton, brewer, July 18 at 2, London.—**William Wilkins**, Aylesbury-street, Clerkenwell, licensed victualler, July 18 at 12, London.—**Charles Warwick**, Highbury-place, Islington, warehouseman, July 18 at 2, London.—**Edward L. Kyle**, Reading, licensed victualler, July 18 at half-past 11, London.—**Augustus Wm. Ord**, Blackwall, Gatshead-on-Tyne, and New Wharf, Little Abington-street, Westminster, cement manufacturer, July 20 at 11, Newcastle-upon-Tyne.—**Thos. Hill**, Exeter, carrier, July 19 at 1, Exeter.—**John Noble**, Liverpool, shipwright, July 17 at 11, Liverpool.—**John Etheridge** and **George M. B. Mitchell**, Liverpool, insurance brokers, July 18 at 11, Liverpool.—**Julius Weichbrodt**, Liverpool, merchant, July 19 at 11, Liverpool.—**Thomas Marsden**, Rochdale, cotton manufacturer, July 19 at 12, Manchester.—**Margaret Bollen**, Marsden, near Burnley, power-loom cloth manufacturer, July 18 at 12, Manchester.—**Thomas Southward**, Bolton-le-Moors, flour dealer, July 17 at 12, Manchester.—**Charles Condron**, Macclesfield, silk manufacturer, July 18 at 12, Manchester.—**Edmund Stevens**, Walsall, draper, July 19 at half-past 10, Birmingham.

To be granted, unless an appeal be duly entered.

**Charles K. Witt**, New Sarum, Wilshire, grocer.—**William Aspin** the younger, Morgan's-lane, Tooley-street, Southwark, carrier.—**George Harris**, Chichester, grocer.—**John Smart**,

Great Tower-street, wine merchant.—**Benjamin W. Pearce**, Bayham-terrace, Camden-town, builder.—**Henry T. Bayley**, Canterbury, linendraper.—**Philip Greenlade**, Stoke Canon, Devonshire, farmer.—**J. Miners**, Redruth, Cornwall, grocer.—**Sylvester L. Samuel**, Liverpool, watch manufacturer.—**John Hughes**, Toxteth-park, Lancashire, joiner.—**Thomas Holder**, Macclesfield, silk throwster.—**John Maseley**, Macclesfield, saddler.—**Richard G. Beesley**, Manchester, cotton spinner.—**Patrick Shanley**, Manchester, shoe dealer.—**David Norbury**, Alderley, butcher.—**J. Jones**, Birmingham, tailor.—**Edward Spencer**, Coventry, builder.—**James King**, Birmingham, licensed victualler.—**James Grant**, Birmingham, tailor.—**George P. Roby**, Leamington, fishmonger.—**William Birks**, Sheffield, brush manufacturer.

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**JOHN STEVENSON**, Barham, Suffolk, innkeeper, July 9 and Aug. 11 at 1, London: Off. Ass. Graham; Sols. Jackaman, Ipswich; Aldridge & Bromley, South-square, Gray's-inn.—Pet. f. June 23.

**JOHN HOWICK**, Little Charlotte-street, Blackfriars-road, furnishing ironmonger, July 9 at half-past 1, and Aug. 11 at 1, London: Off. Ass. Graham; Sols. Bell & Co., 147, Leadenhall-street.—Pet. f. June 28.

**WILLIAM DINWOODIE**, Swinton-street, Gray's-inn-road, draper, July 13 at 11, and Aug. 10 at half-past 11, London: Off. Ass. Cannan; Sols. Chester & Co., Staple-inn, Holborn.—Pet. f. June 28.

**BAILEY SHERWOOD** and **NEWMAN SHERWOOD**, Belvedere-road, Lambeth, dealers and chapmen, July 7 at 11, and Aug. 6 at half-past 11, London: Off. Ass. Nicholson; Sols. Wilkinson & Co., 2, Nicholas-lane.—Pet. f. June 23.

**ARTHUR EDWARD TROWSE**, Leather-lane, Holborn, coach-spring maker, July 10 at 1, and Aug. 13 at half-past 1, London: Off. Ass. Nicholson; Sol. Murrough, 5, New-inn.—Pet. f. June 28.

**ISAAC BROWN**, Tooley-street, Southwark, licensed victualler, July 7 at 11, and Aug. 13 at half-past 12, London: Off. Ass. Pennell; Sol. Page, 13, Duke-street, Manchester-square.—Pet. f. June 26.

**ROBERT DENT**, Atherstone, Warwickshire, builder, July 13 and Aug. 3 at 11, Birmingham: Off. Ass. Bittleston; Sols. Baxter & Son, Atherstone; Motteram & Knight, Birmingham.—Pet. d. June 20.

**GEORGE EDWARDS**, Old Swinford, Worcestershire, dealer and chapman, July 13 and Aug. 3 at 11, Birmingham: Off. Ass. Whitmore; Sols. Corser, Stourbridge; E. & H. Wright, Birmingham.—Pet. d. June 25.

**HERBERT ROOM**, Birmingham, metallic bedstead manufacturer, July 16 and Aug. 6 at half-past 10, Birmingham: Off. Ass. Christie; Sol. James, Birmingham.—Pet. d. June 25.

**THOMAS PARTON**, Ruyton, Eleven Towns, Shropshire, licensed victualler, July 16 and Aug. 6 at half-past 10, Birmingham: Off. Ass. Bittleston; Sol. Harding, Birmingham.—Pet. d. June 27.

**HARRIET SWINDELL**, Ashborne, Derbyshire, dealer and chapwoman, July 17 and Aug. 14 at 10, Nottingham: Off. Ass. Harris; Sol. Fox, jun., Ashborne.—Pet. d. June 27.

**HENRY BEAUVOISIN**, Sheffield, file manufacturer, July 21 and Aug. 4 at 10, Sheffield: Off. Ass. Brewin; Sol. Smith, jun., Sheffield.—Pet. f. June 23.

**THOMAS KENYON**, Newton Heath, near Manchester, dealer and chapman, July 17 and Aug. 15 at 12, Manchester: Off. Ass. Pott; Sol. Binney, Manchester.—Pet. f. June 23.

## MEETINGS.

*Prescott Corless*, Wigan, Lancashire, tea dealer, July 12 at 12, Liverpool, ch. ass.—*Joseph Windle Cole*, Birchin-lane, merchant, July 13 at 11, London, last ex.—*Hansard Jackson Bridges*, Wandsworth-road, Surrey, and Stowmarket, Suffolk, brewer, July 11 at half-past 2, London, last ex.—*Daniel Cul-Aene*, Dartford, apothecary, July 11 at 1, London, last ex.—*Thomas John Latimer*, Brighton, clothier, July 12 at half-past 12, London, last ex.—*Edward Hale*, Ware, Hertfordshire, fellmonger, July 12 at 12, London, aud. ac.—*William P. Hammond*, Scott's-yard, Bush-lane, shipowner, July 11 at 12, London, and ac.—*John Loftis*, Strand, printer, July 11 at 1, London, aud. ac.—*James Martyr*, Union-street, Southwark, ironmonger, July 11 at 1, London, aud. ac.—*Matthew H. Francis*, George-yard, Lombard-street, dealer in mining shares, July 12 at 12, London, aud. ac.—*Joseph Clever* and *Caleb Stanger*, Kent Wharf, Queen's-road-bridge, Haggerstone, builders, July 12 at 12, London, aud. ac.—*George Beesford*, Portsmouth-street, Lincoln's-inn-fields, and Wych-

street, picture-frame maker, July 12 at 12, London, aud. ac.—*Thomas Booker*, Reading, tailor, July 12 at 1, London, aud. ac.—*Julius Weichbrodt*, Liverpool, merchant, July 12 at 11, Liverpool, aud. ac.—*Nicholas Kennedy*, Manchester, ivory turner, July 19 at 12, Manchester, aud. ac.; July 27 at 12, div.—*Robert Wilson Lishman*, Shenstone, Staffordshire, surgeon, July 30 at half-past 10, Birmingham, aud. ac.—*Ja. Cartwright*, Birmingham, factor, July 26 at 11, Birmingham, aud. ac. and div.—*Charles Melen*, Birmingham, baker, July 30 at half-past 10, Birmingham, aud. ac.—*Thomas Brooks*, Lye, near Stourbridge, Worcestershire, nail manufacturer, Aug. 6 at half-past 10, Birmingham, aud. ac.—*Thomas Archer* and *Samuel Archer*, Burslem, Staffordshire, tailors, Aug. 1 at half-past 10, Birmingham, aud. ac.—*D. Warner*, Birmingham, baker, July 30 at half-past 10, Birmingham, aud. ac.—*J. Guest*, Burslem, Staffordshire, victualler, July 30 at half-past 10, Birmingham, aud. ac.—*Stephen Knapp*, Coventry, printer, July 26 at 11, Birmingham, aud. ac.—*Jo. Higgett*, Cromford, Derbyshire, miller, July 24 at 10, Nottingham, aud. ac.—*John Burbury*, Leek Wootton, Warwickshire, maltster, Aug. 1 at half-past 10, Birmingham, aud. ac.—*Wm. Howes* and *Thos. Wood*, Leicester, timber merchants, July 24 at 10, Nottingham, aud. ac.—*Matthew Richard Scott*, Harley-place, St. Marylebone, West India merchant, and Lloyd's Coffee-house, underwriter, July 20 at half-past 11, London, div.—*Daniel Cutler* and *Thomas James Hunter*, Regent-st., tailors, July 20 at 12, London, div. joint and sep. ests.—*Edward Brian Smith Hoff*, Holbeach, Lincolnshire, dealer in chicory, July 24 at 10, Nottingham, aud. ac. and div.—*John Willmore*, Leicester, woollendrapier, July 24 at 10, Nottingham, div.—*William Haywood*, Birmingham, grocer, Aug. 6 at half-past 10, Birmingham, div.—*T. Bell*, Jaros, Durham, alkali manufacturer, July 24 at 11, Newcastle-upon-Tyne, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*James Lord*, Edwards-terrace, Caledonian-road, and Stevenson-terrace, Caledonian-road, Islington, colourman, July 20 at half-past 1, London.—*John Tullock Fisher*, Barking-road, Plaistow, Essex, auctioneer, July 23 at 2, London.—*Robert Ewin*, High-street, Islington, upholsterer, July 23 at half-past 12, London.—*Joseph Brooks*, Bocking, Essex, wheelwright, July 24 at half-past 11, London.—*Richard Moryn*, Dowlais, Glamorganshire, grocer, July 24 at 11, Bristol.—*Morgan Evans*, Aberdare, Glamorganshire, grocer, July 24 at 11, Bristol.—*William Aspdin*, Gateshead-on-Tyne, and Little Abingdon-street, Westminster, cement manufacturer, July 20 at 11, Newcastle-upon-Tyne.—*John Lowe*, Salford, slate merchant, July 20 at 12, Manchester.—*Charles Pennington*, Manchester, builder, July 26 at 12, Manchester.—*Anthony Atcheson*, Cheetham, near Manchester, spirit merchant, July 23 at 12, Manchester.—*Moritz Gumpel Cohn*, Great Bridge, Staffordshire, pawnbroker, July 23 at half-past 10, Birmingham.—*Frederick William Holmes*, Leeds, wine merchant, July 20 at 11, Leeds.—*William Eggleston*, Halifax, stuff merchant, July 20 at 11, Leeds.—*Joseph Bunnell Thompson*, Rotherham, Yorkshire, linendraper, July 21 at 10, Sheffield.—*Joseph Laister*, Sheffield, butcher, July 21 at 10, Sheffield.

*To be granted, unless an appeal be duly entered.*

*William Mead*, Milk-street, Cheshire, commission agent.—*George John Philips*, Cannon-street West, hosier.

## PARTNERSHIPS DISSOLVED.

*John Bickerstaff* and *Miles Myres*, Preston, Lancashire, attorneys and solicitors.—*Henry Hall* and *George Taylor*, Ashton-under-Lyne and Stalybridge, attorneys-at-law and solicitors.

## TUESDAY, July 3.

## BANKRUPTS.

**WILLIAM LITTLE**, Deptford, builder, July 9 at 12, and Aug. 15 at 11, London: Off. Ass. Stansfeld; Sol. Carttar.—Pet. f. June 26.

**JACOB FRANKENSTEIN**, late of Bishopsgate-street Within, but now at White Hart-court, Bishopsgate-street Within, dealer and chapman, July 11 and Aug. 14 at 11, London: Off. Ass. Pennell; Sol. Bailey, 15, Old Jewry-chambers.—Pet. f. June 29.

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## THE JURIST.

LONDON, JULY 7, 1855.

THE "uncertainty of the law" is not entirely chargeable upon the lawyers, who, though not exempt from human infirmities, do their work, on the whole, as well as the members of any other liberal profession do theirs, if not better. We think better—not, if we know ourselves, from any bias to our own class, but for the sufficient reason, that every lawyer lives in a glass house, exposed to the scrutiny of every other member of his class. He turns out no piece of work, even in chamber practice, that may not within a month be subjected to the jealous criticism of the ablest and most practised minds in the Profession. From this incessant friction of wits, and from the magnitude of the rewards which are held out to intellect and industry, as well as from the nature of the subject-matter, it follows that the practice of the law is carried on with a greater habitual expenditure of intellectual power than any other profession or art. The daily studies and mental labours of a clergyman, a physician, or an architect are, in ordinary cases, mere child's play in comparison with those of an advising lawyer in full practice. The result is not altogether incommensurate with the means. The law is a very scientific, and, in proportion as it is scientific, a certain, art, and the uncertainty with which it is charged much more frequently exists in the materials submitted to the law than in the law itself, or the method of its application. So long as men will enter into contracts and make wills without taking the trouble, if they have the capacity, to view the subject-matter in all its bearings, and to provide for all contingencies, to conceive clearly, and to express their conceptions completely, the construction of a contract or a will in a court of justice, according to the actual intention, if intention there was with respect to the event, or the presumable intention if the event was unprovided for, will frequently be an inso-

luble problem, and the decision in such cases must be either questionable, or, if right on general grounds, wrong in the particular case. Occasionally, however, judges will go wrong, and their errors, instead of being corrected, will sometimes be adopted and amplified by their successors. The subject of the interpretation of wills is fertile in both kinds of uncertainty—that which is inherent in the subject-matter, and that which has been caused by irrational precedents. The rules of interpretation applicable, before the late Statute of Wills, to bequests of personal estate were, on the whole, rational, because they had grown up from remote antiquity with the progress of the subject itself. But when the stats. 32 and 34 & 35 Hen. 8 had extended the testamentary power to real estate, the judges, being called upon suddenly to establish rules for the interpretation of devises, and not perceiving the full value of the fact, that the devising power was utterly antagonistic to the feudal system, endeavoured, with very indifferent success, to harmonise the two, and adapted to wills some of the rules which governed the construction and operation of conveyances in such a manner as to save neither feudal principles nor common sense. Thus they called the will itself a conveyance, and having so called it, inferred that it could only operate on the real property which the testator possessed at the time of making it, and which he continued without interruption to possess up to the time of his death. They did not perceive, or perceiving did not care, that they thus sacrificed the substantial, and in regard to personal estate, well-recognised character and operation of the testamentary instrument, to a fanciful analogy. One of the absurd consequences of the doctrine was, that almost any suspension or alteration of the testator's estate or interest in the property devised, for whatever purpose, even though the purpose were the confirming of the devise itself, amounted to a revocation of the will\*.

\* See an elaborate article on this subject, 16 Jur., part 2, pp. 191, 198, 214, 223. The decision in *Plowden v. Hyde*, there commented on, has been since reversed by the Lords Justices. (*Plowden v. Hyde*, 16 Jur., part 1, p. 823).

It was principally with a view to this mischievous notion of the constructive revocation of devises that the 24th section of the late Wills Act (7 Will. 4 & 1 Vict. c. 26) was framed. But in enacting "that every will shall be construed, with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary effect shall appear by the will," the Legislature has not corrected the judicature in the happiest manner. The clause was in fact wholly superfluous, the business having been effectually done by the 3rd section, which extended the devising power to real estate acquired after the date of the will; (see *Cole v. Scott*, 1 Mac. & G. 529\*); and done again by the 23rd section, which in express terms put an end to the doctrine of *Lord Lincoln's case* and its satellites. The most unhappy part of the 24th section is the word "speak," which, if it means anything, means that the will is to be interpreted as if, when it was made, the existing state of things was the state of things at the time of the death. The word was probably aimed at the doctrine of the class of cases to which *Abney v. Miller* (2 Atk. 593) and *Coppin v. Ferryhough* (2 Bro. C. C. 291) belong—that a bequest of leaseholds by a particular description was revoked by a renewal of the lease. The difficulty was partly inherent in the subject, (for when a testator bequeaths a leasehold interest depending on a term or lives about to drop, it is not a necessary inference that he means to pass any renewed interest which he may subsequently purchase), and partly occasioned by the decisions. To find a testator's meaning, when he has not even attempted to express it, is beyond the power of the Legislature as much as of the judges, and the most that could safely be done was to deprive the old decisions of their authority, leaving the Courts to start afresh. The consequence of the introduction of the word "speak" has been to raise a variety of questions which have not yet been settled, whatever may be the prospect of a rational meaning being ultimately given to the clause. Thus, Mr. Jarman, writing before any question on this section had been decided, said that it would of course extend the operation of a gift of a leasehold or a specific sum of stock to a renewed lease, and to substituted stock afterwards acquired by the testator, of similar amount; and he added, "Suppose that a testator, having a house in Grosvenor-square, bequeaths it by the description of his messuage in such square, and afterwards sells the property, and purchases another house in the same square, of which he is possessed at his decease, the bequest will, it should seem, comprise the new acquisition, by force of the enactment which makes the will speak from the death." So Mr. Hayes says that the act "does not merely enlarge the scope of a general devise or bequest, by bringing down the testator's volition expressed at a former period to the latest moment of his existence, but seems, according to the natural construction, to be capable of giving to a specific

devise or bequest an aspect very different from that which it had under the old law, (abstractedly from the technical doctrine which made every devise specific), and to be of force in itself to convert a devise or bequest of one subject, answering the given description at one time, into a devise or bequest of another subject, more or less valuable, answering the same description at another time. Thus, for example, if I devise my farm in the parish of A., having at the date of the will a small farm of fifty acres in the parish of A., and I afterwards sell that farm and purchase another of 1000 acres, and die without having either altered or re-executed my will, the larger farm will pass; though if I were to die possessed of both farms, and if this (like the bequest of 'my white horse,' when I have two white horses) were considered to be a case of *ambiguitas latens*, admitting of elucidation by extrinsic evidence, but the *only* evidence adduced were the fact of my having had the smaller farm and not the larger farm at the execution of my will, either the devise must be void for uncertainty, or it must speak and take effect as if *not* actually executed immediately before my death, thus speaking and taking effect *without* an intention apparent upon the will itself. So, suppose, that having at the date of my will *two* farms, one in my own and one in A.'s occupation, I devise 'my farm in A.'s occupation,' and that at my death both farms are in A.'s occupation, is the devise void for uncertainty? Or, as an extrinsic fact creates the difficulty, may other extrinsic facts be used to remove it, and would evidence respecting the state of the occupation at the making of the will be therefore admissible to shew the intention—admissible in the case of the additional farm, but inadmissible in the case of the substitute farm? Cases may be put in which an unqualified application of the clause would be productive of rather startling results; as where, having a white horse worth say 10*l.*, I bequeath my white horse, but I afterwards sell the white horse, and purchase a black horse worth say 500*l.*, and die, without having altered my will, possessed of the black horse, and no other horse, the legatee will take the black horse, assuming that the will is to speak as if really made the instant before my death, and that a contrary intention is not proveable *dehors*." (1 *Intro. Conv.* 385). These remarks shew the great infelicity, if not absurdity, of the enactment. It is possible, however, by a rather strained construction, to deprive it of the mischievous operation suggested by Messrs. Jarman and Hayes, and by other writers. The will is to speak and take effect, with reference to the property comprised in it, as if it had been executed immediately before the death, unless a contrary intention appear by the will, the intention of the framer of the clause probably having been to prevent any dealing with the property by the testator or other circumstances in the meantime from affecting the construction and operation of the will. Now, in order to ascertain the meaning of an instrument, we must apply the words used in it to the state of things existing at the time when they are used. The absurd design of ascertaining the testator's meaning by reference to a state of things which could not possibly be known to him is not to be imputed to the Legislature. We read each gift in the will, then, by the light of the circumstances at the time

\* But in *Goodlad v. Burnett*, (1 Kay & Jo. 343, 347). Sir W. P. Wood, V. C., said that the clause must have some sense given to it as regards personal estate. The difficulty is, that the result of "giving sense" to the clause is to produce nonsense.

it was written. We ascertain what property was comprised in it, and the intended disposition of that property. Having done this, we apply the 24th section, and say, "This gift of this property takes effect as if the testator had so given this property by a will executed the moment before his death." So understood, the enactment, though superfluous, is perhaps harmless. It leaves the law, as altered by the 3rd and 23rd sections, without further alteration, and without solving any of the real difficulties which occur in applying it. When a testator gives "all the property I possess in the funds," it may be said, as was held in *Cockren v. Cockren*, (14 Sim. 248), that is the same as "all I now possess," and excludes future acquisitions. The distinction between this expression and "all my property in the funds" is not very striking, and it becomes more doubtful when we bring into consideration other expressions equivocating between the generic and the special—as "all my horses on my farm," "all my black horses," "all my monies out in mortgage," "all the property I have in the world," "all the money I have at my bankers." However, in *Doe v. Walker*, (12 M. & W. 591), where a testator, by his will, made before the late act, gave "all my messuages, farms, lands, tenements, and hereditaments which I am seised of, situate in Great Bowden," and then purchased other lands, and then by a codicil made after the passing of the act, not in terms extending the gift, republished his will, it was held that the after-acquired estates passed; and the Court relied on the codicil as if it were a repetition of every word of the will, as well as on the 24th section of the act. This decision is encountered by the decision and the reasoning of Lord Cranworth, V. C., in *Skilwell v. Mellersh*, (20 L. J., Ch., 357), where a direction in a will, that a legatee should account for "all sums of money which I have already given and advanced to him," was held not to extend to advances made after the date of the will, and before the republication of it by a codicil. "In my opinion, when it is said a codicil republishing a will, or confirming a will, makes the will speak from the time of republication, that does not mean that you are to read the will in any way different from the mode in which it would have been read if the testator had died the moment after he had executed it. What absurdities otherwise would arise! Suppose I by my will say, 'I give 500*l.* to the present treasurer of Lincoln's-inn,' and this day twelvemonth I republish my will, does that alter the party who is to take the legacy? That must be so if it is to be read as if I had written it over again; the present treasurer would be a different person. So, I conceive, if I had said, 'I devise all the estate of which I am now seised.'" *Doe v. Walker* was not cited. In *Douglas v. Douglas*, (Kay, 400), the words, "I hereby exonerate my sister from all claims in respect of money laid out by me in improvements of the estate in Scotland, and which money has, according to the law of Scotland, been charged thereon," was held not to be extended by the act to monies laid out after the date of the will. In holding (in *Cole v. Scott*, 1 Mac. & G. 529) that the word "now" confines the devise to the state of things at the date of the will, Lord Cottenham, C., said, "It appears to me just the same as if the testator had said, 'all the freehold and leasehold estates of which I am on this 29th April, 1843, seised and entitled.'" In *Emuss v. Smith* (2 De G. & S. 733) a devise of "all my freehold estate at D., which I purchased of B.," was

held not to pass a small piece of leasehold purchased at the same time of B., and held with the freehold, the freehold of which the testator after the date of his will purchased from C. Sir J. L. Knight Bruce, V. C., asked, "Suppose a man to have a brown horse, and bequeath it, and then to sell it, and buy another brown horse, does the horse of which he was possessed at the time of his death pass?" In *Oakes v. Oakes* (9 Hare, 666) a testator bequeathed "all my Great Western railway shares, and all other railway shares of which I shall be possessed at the time of my decease." The shares which he had at the date of his will were subsequently converted into consolidated stock, and the testator purchased a further amount of such stock. It was held that the stock out of which the shares intended to be bequeathed were converted passed, but not the shares subsequently purchased; in other words, that the will was to be construed, for the purpose of ascertaining the property comprised in it, as speaking from its date, and not from the death. On the other hand, in *Goodlad v. Burnett*, (1 Kay & Jo. 341), Sir W. P. Wood, V. C., held that a gift of "my New 3*l.* 10*s.* per Cent. Annuities" was not specific, but passed all the annuities of that kind which belonged to the testatrix at her death. His Honor admitted that before the act the gift would have been specific, as in *Miller v. Little*, ("all my shares in the Grand Junction Canal Navigation"), but said that the act "must have some sense given to it as regards personal estate. It is true, that as regards personal estate, there was no doubt, before the passing of the Wills Act, that the will spoke from the death in most cases, but not in all; and it is precisely to the particular class of cases of which the present is an instance that the Wills Act would seem to have application. . . . When I refer to a particular thing, such as a ring or a horse, and bequeath it as my ring or my horse, it seems to me there might be considerable difficulty in saying that the contrary intention, to which the act in its 24th section refers, does not appear on the face of the will; but when a bequest is of that which is generic—of that which may be increased or diminished, then I apprehend the Wills Act requires something more on the face of the will, for the purpose of indicating such contrary intention, than the mere circumstance that the subject of the bequest is designated by the pronoun 'my.'" We venture to suggest that the decision would have been more satisfactory if it had been rested on a disavowal of the construction in *Miller v. Little*, rather than on the Wills Act, upon which it puts a construction contrary to that adopted in *Oakes v. Oakes*. If before the act the use of the word "my" expressed an intention to exclude after-acquired property, it expresses that intention still; for we cannot admit what the Court said in the same case, that against the disappointment of the intention in the particular case was to be set the consideration that a person might leave "his will in a state like the present purposely, and because he believed that by the operation of the Wills Act the words he had used would carry the whole property he might have at his death of the kind bequeathed." This is a violent stretching and misapplication of the maxim "communis error facit jus." The cases of *O'Tool v. Brown*, (3 El. & Bl. 576; 18 Jur., part 1, p. 1113); *Wilson v. Eden*, (16 Jur., part 1, p. 1017; 5 Exch. 752); and *Gibson v. Gibson*, (22 L. J., Ch., 346), involved the application of the 24th section, but threw no light upon it. We may notice, in conclusion, that the singular oversight committed by Sir W. P. Wood, V. C., in the case of *Bullock v. Bennett*, (1 Jur., N. S., part 1, p. 443), of applying the 24th section to determine the person, event, or status contemplated by a testator, (a gift to M., a widow, until her marriage, followed by marriage in the testator's lifetime), has been corrected on appeal. (S. C., 1 Jur., N. S., part 1, p. 567).

## NOTES OF THE WEEK.

COURT OF QUEEN'S BENCH, June 30.—After judgment had been delivered in *Reg. v. The Fleetwood, Preston, and West Riding Junction Railway Company; Lady Wenman v. Mackenzie; Reg. v. The Corporation of Greenwich; and Dorling, App., and The Epsom Board of Health*, Resps., Coleridge, J., stated that the only cases which remained undecided were *Layton v. Fenwick* and *In re Barber*; that the latter case had been argued so late in Trinity Term, and was of such length, that the Court was not then prepared to give judgment in it.

A correspondent of *The Times* calls attention to the 13 & 14 Vict. c. 29, whereby the period provided for re-registering Irish judgments will expire on the 15th inst.

Another correspondent asks for information as to the usual custom of London bankers with reference to the presentation of cheques. He states, that on Friday, the 8th ult., he paid into a provincial bank a cheque on Strahan, Paul, & Co., which was forwarded the same day, but not presented till the Monday following, owing, as he is informed, to its passing the clearing house. On whom, he asks, does the liability rest, for had the cheque been presented on the Saturday, it would have been paid.

## FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 264.)

## RECOMMENDATIONS—(Continued).

*Ejectment.*

*This Jurisdiction to be extended.*—This jurisdiction has been found beneficial to the public, and, subject to some modification, might be usefully extended. We think that the county court ought to have jurisdiction only in those cases where the amount of the annual rent and annual value does not exceed 50*l.* Unless such an alteration in the law be made, the jurisdiction would continue to embrace a class of cases which the Legislature could not have intended to be decided in the county court. Thus, in the case of land let on a building lease, the reserved rent might not exceed 50*l.*, but the value of the houses erected upon it being of many thousand pounds' value, the annual value might far exceed 50*l.* We therefore recommend that where the annual value of the premises sought to be recovered exceeds the amount of 50*l.*, although the rent reserved does not exceed that amount, the case should not be within the jurisdiction of the county court. With this alteration of the law, we think that this jurisdiction might be usefully extended to cases where one half year's rent is in arrear, and the landlord or lessor has a right by law to re-enter for non-payment thereof, but no sufficient distress has been left on the premises to countervail such rent; and also to the case of mortgages where the money lent does not exceed 100*l.*, and the mortgagee is entitled to obtain possession. In the latter case we think that the judge should have power to postpone granting a warrant of possession for any period which the judge might think fit, and should be invested with the same powers as might be exercised by the court in pursuance of the first Common-law Procedure Act, sect. 219, in actions of ejectment between mortgagee and mortgagor.

*Notice of Proceeding to be given by Tenant to immediate Landlord.*—We think it also a desirable provision, that where a sub-tenant is served with a summons at the instance of the superior landlord, he should be bound to give notice to his immediate landlord, who should be entitled to come in and defend.

*Claim for Meane Profits may be joined.*—We also think that it would be convenient that a claim for

meane profits not exceeding 50*l.* in amount should be allowed to be included in a plaint for the recovery of possession of the demised premises.

*Judge's Decision subject to Appeal, as in ordinary Cases.*—We are, however, of opinion that the finality of the judge's decision in cases of the above description should be modified, and that an appeal ought to be allowed where the annual rent and value of the premises or the mortgage debt exceeds 20*l.*

*This Mode of Appeal to continue, besides Cross Action, as at present.*—It appears to us that this mode of appeal should be allowed in addition to that provided by sects. 126 and 127 of the 9 & 10 Vict. c. 93, as stated ante, p. 246.

*Replevin.*

The proceedings in replevin may, in our opinion, be materially improved by the introduction of certain alterations, which we shall proceed to state.

*Present Mode of proceeding defective.*—Taking a distress, in order to secure a compensation for an alleged wrong, as it is a proceeding which is taken without the intervention of legal process, and dispossesses the owner of his property, should be subjected to as easy and prompt a revision as is practicable. The action of replevin, when actually brought to trial, may dispose of the question raised between the parties as to the right to distrain; but the steps now necessary in order to bring that question before a competent tribunal are slow, inconvenient, and unsatisfactory. (See ante, pp. 180, 238). When the chattel has been seized, if the owner be desirous of contesting the lawfulness of the seizure, he must give the replevin bond to the sheriff or his replevin clerk. To compel him to give this bond to the sheriff himself, who has only one office in the county, would in many cases operate as a denial of justice. By law the sheriff is only bound to appoint four replevin clerks in each county, and the persons whose chattels are most likely to be distrained are not generally aware of the names or residences of those clerks. Consequently, in the majority of instances, the alleged aggrieved party submits to the distress, or travels with his sureties to the county town in order to give the usual bond. In the former case, the chattels may be sold at considerable loss, or an oppressive arrangement be made for the surrender of them; in the latter, the replevisor may be compelled to take a long and expensive journey with his sureties. Again: although the replevisor be desirous of trying his cause in the superior court, he is obliged to give the bond to prosecute his suit in the county court, and afterwards to remove it by certiorari from the latter court, after complying with the conditions imposed by the statute. Again: if the replevisor be desirous of obtaining possession of his chattel, and prefers depositing money to giving security, he is not permitted so to do. The same observation as to not being allowed to deposit money applies to cases of removal in conformity with the provisions of the statute. Again: the decision of the county court judge on questions of law in those cases where neither party removes, although the rent or damage exceeds the sum of 20*l.*, is not subject to appeal.

*Amendments suggested.*—To remove these objections, we recommend, first, that the clerk of the county court should be the sole replevin clerk in each district, and perform all the duties of that officer. Secondly, that the replevisor should be permitted, instead of giving security, to pay into the hands of the clerk a sum proportioned to the amount of the rent claimed or the damage alleged to have been done, such sum, in case of dispute, to be settled by the clerk, together with a certain sum for costs. Thirdly, that a similar substitution of payment of money instead of giving security under the statute should be permitted when the plaint is removed. Fourthly, that the replevisor, if

desirous of trying the cause in the superior court, should, on making a declaration similar to the statutory one, be permitted to give security, or pay money into the hands of the clerk; and that on such security being given or payment made, the chattel should be delivered to the replevisor, and the action of replevin be at once commenced in the superior court. Fifthly, that if the replevisor be desirous of proceeding in the county court, the practice as to removal now prevailing under the statute should continue, but modified by the right to deposit money instead of giving security. Sixthly, that where the cause is not removed by either party, the decision of the judge on questions of law should be subject to appeal, in the same manner as on ordinary claims in cases where the rent or damages exceed 20*l*.

*In other respects Practice to remain.*—Except so far as the suggested alterations extend, we think that the present practice in replevin should continue unaltered.

#### *Interpleader.*

*Jurisdiction by Interpleader generally, vested in County Court.*—The county court has at present jurisdiction in cases of interpleader, arising out of claims made on chattels taken in execution, but has no jurisdiction in other cases, where interpleader is allowed in the superior courts. We are of opinion that such a jurisdiction should be conferred on the county court, and that wherever interpleader would be permitted in the superior courts of law, the suitors in the county court should be allowed a similar privilege.

*Decision of County Court Judge subject to Appeal, even in Case of Goods taken in Execution.*—We think that in the cases last mentioned, and in those where claims are made on goods taken in execution, the decision of the county court judge ought to be subject to appeal, in the same manner and on the same grounds as in ordinary claims exceeding 20*l*.

*Where second Action in Superior Court, Jurisdiction of County Court not to be ousted.*—Where, in cases of interpleader, the second action is brought or threatened in the superior tribunal, we think that the right to interplead ought still to be reserved to the defendant in the county court. In the event of an issue being directed by the judge of the county court, he might select that tribunal to dispose of it which appeared to him most convenient for the purpose. Should a proper case be shewn for altering the tribunal before which the case was so directed to be tried, a judge of the superior court might be enabled to interfere.

#### *Acknowledgments by Married Women.*

We think also that it would be desirable to enable the judges of the county courts to take the acknowledgments of married women, in pursuance of the 3 & 4 Will. 4, c. 74.

#### II.—WITH REFERENCE TO ADDITIONAL SECURITIES FOR THE DUE EXERCISE OF THE JURISDICTION.

We will consider, first, proceedings for the removal of causes; secondly, prohibitions; thirdly, appeals.

#### *Certiorari.*

First, as to the writ of certiorari. The county court being a court of record, the mode of removing its proceedings is by certiorari. By the provisions of sect. 90 of the 9 & 10 Vict. c. 95, no case can be removed from the county court where the claim does not exceed 5*l*., and then only by leave of a judge of the superior court, on such terms as he thinks fit, if he be of opinion that it is a proper case to be tried in the superior court. By sect. 16 of the 13 & 14 Vict. c. 61, removal by writ of error is prohibited.

*May be granted in Claims not exceeding 5*l*., on special Grounds.*—As a general rule, the amount of the claim is a convenient test of the importance of the question to

be determined, and therefore it is generally desirable that where a claim does not exceed 5*l*. the cause should be irremovable. But it occasionally happens that questions of great difficulty, both of law and fact, arise in cases where the amount in dispute does not exceed 5*l*. Thus, questions of fact occur where the claims belong to a class, each of which individually is of less amount than 5*l*., but which, being questions of fact, cannot, as the law now stands, be raised before a superior tribunal. Thus, in actions by several workmen against a contractor, or by several passengers on a railway, or by several customers of a common carrier, where in each case the demand does not exceed 5*l*., although the question is of considerable importance, and in effect brings into litigation an aggregate amount far beyond 5*l*., no means exist at present of removing such actions into the superior court. Again: difficult questions of law, other than those which are excluded from the jurisdiction of the court, may arise, or such questions may be so mixed with questions of fact as not to be conveniently separated, and yet the amount in dispute may not exceed 5*l*.

#### *Security for, or Deposit of, Amount of Claim and Costs.*

—We therefore recommend that where a claim, whether in tort or contract, does not exceed 5*l*., it shall be competent for the defendant to remove the plaint into one of the superior courts, by leave of a judge of those courts, but only on giving security for the claim and costs in the superior court, not exceeding 100*l*., or on depositing that amount, and on such other terms as the judge may think proper to impose.

*In larger Claims.*—As before observed, it is competent for a defendant to remove a plaint for a sum exceeding 5*l*. and not exceeding 50*l*. from the county court, by permission of a judge of the superior court, on such terms as he shall think fit.

*Security or Deposit required.*—We are of opinion that in such cases the law should remain unaltered, except that the judge should further be empowered to make the costs of the proceedings in the county court, which under the present law are lost to the party, costs in the cause.

*Proper Checks on vexatious Removals.*—While, however, we recommend greater facilities than now by law exist for removing causes from the county court, we are anxious that such facility should not be used for the purpose of vexation or oppression.

#### *Applications for Certiorari may at present be repeated.*

—By law, if one of the superior courts, or a judge thereof, refuse a writ of certiorari, it is competent for the applicant to renew his application in either of the other two courts, and in the event of a second refusal, he may apply to the third court. This state of the law appears to us inconvenient.

*One Application only should be made.*—We recommend, therefore, that where an application is made for a writ of certiorari to one court or to one judge, for the purpose of removing a plaint from the county court, and the application is contested, the refusal by that court or judge, subject in the latter case to the usual appeal to the court, should be binding in the matter, and that no further application should be permitted to any other of the superior courts on the same grounds.

*When obtained, Writ may be used vexatiously.*—In several cases also parties have, by their mode of proceeding when the writ of certiorari has been obtained, rendered it a medium of harassing their opponents. Thus, a defendant has waited until a plaintiff has incurred all the expenses of preparing for trial, and when the cause was called on, has produced a writ of certiorari to remove the proceedings. The plaintiff under such circumstances has no remedy for his costs, as by the operation of the writ the parties have ceased to be suitors of the court.



*Notice of obtaining Writ to be given on Pain of Costs by Order of County Court Judge.*—We further recommend that in all cases where a certiorari has been obtained ex parte for the removal of a plaintiff from the county court, and the party obtaining it has not lodged the writ with the clerk of the county court two clear days at the least before the day fixed for hearing the plaintiff, and if he has not given notice to the plaintiff of such certiorari having been obtained one clear day at the least before the day fixed for hearing the plaintiff, the judge of the county court ought to be empowered, at his discretion, to order the party obtaining the certiorari to pay all costs of the day, or so much thereof as he shall think fit, if the court or judge granting the certiorari has made no order respecting such costs.

*Application in certain Cases a Stay of Proceedings.*—We think that a court or judge to whom an application is made for a certiorari to remove a plaintiff from a county court, or to whom application on affidavit is made for a rule or summons to shew cause why a certiorari should not issue, ought to be empowered in either case to grant a rule or summons to shew cause why a certiorari should not issue; and that such rule or summons, if so directed, should be a stay of proceedings until the determination of such rule or summons, or until the court or judge shall otherwise order; and that the party applying should serve a copy of such rule or summons upon the clerk of the county court; and if such copy be not served upon the clerk of the county court two clear days at the least before the day fixed for hearing the plaintiff, and if the rule or summons be not served on the plaintiff one clear day at the least before the day fixed for hearing the plaintiff, the judge of the county court should be empowered, at his discretion, to order the party applying to pay all the costs of the day, or so much thereof as he may think fit, unless the court or judge granting the rule or summons has made some order respecting such costs.

#### *Prohibition.*

Secondly, with respect to the writ of prohibition.

The remarks we have made concerning the writ of certiorari are applicable to the writ of prohibition, which may, in the hands of evil-disposed persons, be rendered equally oppressive.

*Should be subject to same Restrictions as Certiorari.*—We recommend, therefore, that restrictions similar to those which we think desirable in the case of writs of certiorari, except as to deposit of or security for costs, should, so far as they are applicable, be imposed on writs of prohibition.

We further recommend, with regard to the writ of prohibition, that where it is directed to the judge of the county court, the decision of the superior court should be final, and that no declaration or further proceedings in prohibition be allowed.

#### *Appeal.*

Thirdly, as to appeal. This may be either on questions of law or questions of fact.

First, as to questions of law.

*Decisions of Judges of Superior Courts subject to Appeal.*—In treating this branch of the subject, we are naturally led to consider the general principle of all tribunals with reference to the power of reviewing the decision of the presiding judge. As a general rule, the decision of every judge of the superior courts is liable to be reviewed by some higher judicial authority. Upon the beneficial influence of such a rule it is unnecessary to enlarge.

*In Claims not exceeding 20l.*—In causes peculiarly within the jurisdiction of the county courts, however, one important object sought to be attained is finality, with which a right to appeal would injuriously interfere.

*No Appeal should be allowed.*—We think, therefore, that it would be contrary to sound principle to allow an appeal, either on questions of law or fact, when the matter in dispute does not exceed 20l. in amount. If any difficult question of law be likely to arise in a cause of the amount we have mentioned, the facilities for removal already existing or which we have recommended would prevent a failure of justice; and with respect to unexpected difficulties arising at the trial, they must be exceptional, and should not interfere with the general principle of the jurisdiction.

*In other Cases, Right of Appeal should remain as at present.*—With respect to claims which exceed the amount of 20l., but do not exceed 50l., and cases within the consent clause of the Extending Act, a right of appeal exists, and we are of opinion that no change should be made in the law in that respect.

*Similar Power of Appeal in other Cases within the Legal Jurisdiction.*—We also think that the power of appeal should exist in all claims exceeding 20l. within the legal jurisdiction of the court, including that branch which has lately been conferred in matters of revenue.

Secondly, as to appeals on questions of fact.

With respect to those questions, we are of opinion, that whether under the exclusive, concurrent, or consent jurisdiction, they ought not to be allowed.

In cases within the exclusive jurisdiction they would be extremely mischievous, as tending to promote litigation and increase expense.

In cases within the two other branches of the jurisdiction, as the judge only acquires power to decide the case by the consent of the parties, his determination is similar to the award of an arbitrator, and on questions of fact ought to be equally final.

Further suggestions on the subject of appeal may be found under certain specific heads of jurisdiction, which are the subjects of this report.

#### *Mandamus.*

In cases where it is necessary to interfere by issuing a mandamus to a judge or any other officer of a county court, in order to compel him to perform some specific act, we think it desirable that the superior courts of common law should have power, instead of issuing a mandamus, to grant a rule for that purpose; and on the same principle that we have stated in proceedings by certiorari or prohibition, in order to prevent vexatious proceedings on the part of those who desire the interference of the superior court, the complainant should be limited to an application to one court for the purpose in question.

#### JUDGES, OFFICERS, AND ADVOCATES.

We shall now proceed to consider whether the present law, with reference to the judges, officers, and advocates of the court, can be beneficially altered.

#### *Judge.*

First, with reference to the judges.

*Circuit.*—It has already been stated, that among the duties devolving on the judge is that of going once in every month round the circuit to which he has been appointed. It has been suggested that it is not desirable that a judge should thus continuously go the same circuit, but that, in conformity with the general practice of the superior courts, he should go a different circuit every month.

*Should not change Circuit.*—We have considered the reasons urged for making the proposed alteration, and we are not prepared to recommend any change in the law on the subject.

*As to Abolition or Distribution of Courts.*—It is proper here to observe that complaints have been made of the present distribution of the districts among the different circuits. It has also been suggested that

several of the existing courts might properly be abolished, on account of the small amount of business transacted in them.

In order to dispose of the former subject, it will be necessary to determine on the proper course to be pursued in the latter.

*No Suggestion made.*—As we have not yet been able to obtain all the information on these subjects which we think requisite, we propose to reserve them for future inquiry.

*Power of Judge to change Venue in certain Cases.*—At present the judge has no power to change the venue to an adjoining district, when on reasonable grounds it appears to him that the cause might be more conveniently or more fairly tried there. The want of this power has been productive of complaints. We think that it would be beneficial that the judge should have power to change the venue to an adjoining district, on the application of either party.

We think also, that when the judge is interested in the matter of the suit, it would be convenient to allow him to change the venue, in a similar manner, of his own accord, or at the instance of either party, or that the person having a claim on him should be enabled to sue in an adjoining district.

*Qualification of Deputy Judge to be the same as that of Judge.*—With respect to the appointment of a deputy by a judge, the qualification required of the proposed deputy is not in all cases, as we have seen, (ante, p. 182), the same as that required for a judge.

We are of opinion that as the duties which the deputy, except in matters of charity, is called upon to perform are the same as those of the judge himself, and as he is invested with the same powers, and the same effect is attributed to his decisions, the same qualification ought to be requisite for a deputy judge as the law now requires for the judge himself.

*In Case of Judge's Death, Deputy to continue to act until new Appointment.*—When a deputy has been duly appointed, it has occurred that the judge dies, and the deputy continues to act in ignorance of the death. By law the acts performed by him after the death of the judge are invalid, and in such cases great confusion has been and may be hereafter the result.

In order to obviate this inconvenience, we recommend that under such circumstances the acts of the deputy shall be valid, notwithstanding the death of the judge; and that in order to prevent the delay of the proceedings of the court, the deputy may continue to act until a successor to such judge shall be appointed, unless the Chancellor shall otherwise order; and that in respect of the period that he acts after the death of the judge, he should receive such remuneration as the Chancellor shall appoint, to be deducted from the salary of the successor.

*In Case of Judge's Death, Proceedings to continue from Court to Court.*—It has also occurred, in consequence of the death of a judge, that considerable delay, expense, and confusion have resulted to the parties litigant, as in such cases the proceedings are not continued to a subsequent court.

We recommend, therefore, that in such cases the proceedings should be continued to the next and any subsequent court, in the same manner as if they had been adjourned in the ordinary way, and that no additional fees should be paid in respect of such adjournment.

*The same where Judge unavoidably absent.*—Similar inconveniences result where a court is not held in consequence of the sudden illness of the judge, or of some accidental circumstance which prevents his attendance.

To obviate the inconvenience thence resulting, we make a similar recommendation. In the latter case, however, we recommend that the clerk should be re-

quired to enter on the minutes of the next succeeding court the cause of the judge's non-attendance.

*Not more than 150 Summonses ought to be made returnable on any one Day.*—We think it right to observe that our attention has been drawn to a prejudicial practice which exists in a few courts, of issuing a greater number of summonses returnable on one day than can be disposed of in a satisfactory manner in that period. In some instances more than 300 summonses have been made returnable on one day. This is obviously improper, and we are of opinion that the greatest number of summonses returnable on any one day ought not to exceed 150. We also think that it would be a great relief to suitors if no greater number than fifty summonses were made returnable at any one hour.

#### Clerk.

Secondly, with reference to the clerk.

*Recommendations in the Case of Clerk's Death.*—When a clerk dies or is removed, the power of his deputy or his assistant clerk ceases. Some time may elapse before a successor is appointed, but until then the business of the office is stopped, and great inconvenience accrues to the public.

To prevent this inconvenience, we recommend that, in either of the events stated, the deputy, or one of the assistant clerks, or a clerk temporarily appointed by the judge without the sanction of the Chancellor, should perform the duties of such deceased or removed clerk, until a successor is duly appointed.

We shall defer the consideration of the mode of remunerating the clerks until we have disposed of the question of fees.

*Chief Clerk to be appointed to each District.*—In connexion with this part of our inquiries, it is proper to refer to an objection which has been made to the present system, which we have stated at p. 180, of one person holding the office of clerk in more than one district. The Legislature has, by the provisions of the 15 & 16 Vict. c. 54, s. 17, prohibited such a practice for the future, except under special circumstances. The information which we have been enabled to procure upon the subject shews the propriety of that provision.

We are, therefore, of opinion that arrangements should be made to secure to each court the exertions of a chief clerk.

#### High Bailiff.

Secondly, with reference to the high bailiff.

*Similar Recommendations in the Case of High Bailiff.*—Where the high bailiff dies or is removed, observations similar to those made in the case of the clerks are applicable.

In such cases we recommend that the duties of high bailiff be discharged by the assistant bailiffs already appointed, or by persons to be appointed by the judge or by the clerk, until a successor be duly appointed.

*High Bailiffs not to serve Subpoenas.*—With respect to one portion of the duties now discharged by the high bailiff, that of serving subpoenas, we think that he should be relieved from the performance of that duty, and that the parties requiring the attendance of witnesses should be permitted to subpoena them. At present the number of subpoenas issued is comparatively very small, and therefore but little loss of fees would accrue in consequence of the alteration. Besides, the duty of making a tender of necessary expenses, and of fulfilling the other conditions necessary to compel attendance, would be more conveniently performed by the parties themselves. We think also that the subpoena should be issued gratis in blank. These recommendations would in many cases obviate the necessity of a second attendance at the office, as the subpoenas would then be taken out at the same time that the instructions for the plaint are given.

*Bailiff to act beyond Limits of District in certain Cases without Leave of Judge.*—By the present law a high bailiff can only serve process within the district for which he is appointed, unless a special order of the judge be made for that purpose. This, in some instances, has been found productive of inconvenience, where the precise boundary with reference to the defendant's residence is doubtful. The same inconvenience arises in executing process against the goods or person. In the latter cases the party liable frequently removes his person or his property over the boundary, and thus sets the process of the court at defiance.

We think it desirable that the high bailiff of each district should be permitted, without leave of the judge, to serve or execute the process of the court, either upon or against the person or the goods of the party liable, within 500 yards of the boundary of such district, but without being entitled to any additional fee in respect of the greater distance travelled for the purpose of such service or execution.

We shall hereafter consider, in connexion with the question of fees, the mode in which the high bailiff should be remunerated.

#### PROCEDURE.

We shall now consider the procedure in the county court. It appears to us that some alterations are necessary in order to render its proceedings more efficient.

##### Witnesses.

*Witnesses in Custody to be brought up on Judge's Order.*—We are of opinion that the judge of the county court should have power to issue an order commanding those who have the custody of prisoners required as witnesses, whether within his district or not, to bring them up before the court, on tender, to the person having the proposed witness in custody, of a proper sum to defray the expenses of the officer and prisoner going, remaining, and returning.

##### Amendment.

We think that the provisions of the Common-law Procedure Act, 1852, with respect to amendments, might with benefit be introduced into the county court.

##### Judgment.

*Effect of County Court Judgment not exceeding 20l. in Amount.*—First, as to the effect to be given to a judgment of the county court. By law it is competent, where a judgment not exceeding 20l. has been recovered, for the judgment creditor to seize all the personalty of the defendant, with certain exceptions, and by proceeding on a judgment summons the defendant may in certain cases be committed to prison for a period not exceeding forty days.

*To have no greater Effect than at present.*—We do not propose that any greater effect than the law now permits should be given to a judgment for that amount.

*Land should not be extendible under it.*—It has been suggested that the high bailiff should have power to seize the land of the defendant under a warrant on such a judgment; but we are of opinion that it is not desirable that such a power should exist. First, it is not probable that a person who is unable to pay a sum not exceeding 20l. should have any land which would be extendible under an *elegit*; and, secondly, if he have, the consequence would be that a charge would be created upon the land, and thus a very inconvenient clog upon the title would be the result. We do not, therefore, think it desirable to facilitate the creation of such a charge.

*Effect of Judgment exceeding 20l. should on certain Conditions be the same as that of Judgment of like Amount in Superior Courts.*—With relation, however, to judg-

ments for sums exceeding 20l., we think, first, that the power of the judge to direct payment by instalments without the consent of the plaintiff should cease; secondly, that upon a judgment of a superior court at Westminster being satisfied that the judgment debtor has no personalty which can be taken to satisfy the judgment, the judgment creditor should be permitted to sue out a writ of *certiorari* to remove such judgment into one of the superior courts, and such judgment, when so removed, should have the same effect, and the same proceedings might be had thereon as on a judgment of such court, except that no action of debt should be brought thereon without leave of the court, or a judge thereof.

##### Warrant.

*Execution or Summons for Commitment to issue any Time within six Years.*—By the present practice warrants of execution or summonses for commitment cannot issue, where more than a year has elapsed since judgment was pronounced, without leave of the judge.

By analogy to the altered practice of the superior courts, we think it desirable that in such cases, if the judgment be not more than six years old, the warrant or summons should issue without leave of the judge.

*Warrants of Execution or for Commitment to be in force for a Year.*—By the present practice a warrant of execution or for commitment continues in force for three months only. It frequently occurs that within the three months the bailiff is unable to seize the goods or take the person of the party against whom a warrant has been issued, although, if a longer period were allowed for the purpose, he might obey the warrant. This necessitates frequent renewals of the warrant, producing inconvenience and expense.

We therefore recommend that the warrant should be in force for one year, but that at the expiration of every calendar month the bailiff should be required to enter in a book kept for that purpose whether the warrant had been executed, and if not, why not; and that this book should be always open to inspection without fee; and that in the case of foreign executions, the bailiff of the foreign court should be required to make a similar entry.

##### Executions.

Questions have arisen as to the mode of determining the priority of executions when sued out of the county court.

*Priority of Executions from County Court inter se.*—We think that the priority of executions sued out of the county court should be determined by the time at which an application is made to the clerk to sue out execution, and that he should be required to enter in a book to be kept for the purpose the precise time at which such application was made. This provision is necessary, because the warrant is delivered to the bailiff by the clerk, and not by the party, as in the superior courts. The only effective step which a party can take for the purpose of suing out execution on his judgment is to direct the clerk to issue the warrant.

*In Conflict with Executions from Superior Court.*—Doubts have frequently arisen as to which execution is entitled to priority, where executions have been issued against the same defendant from the superior court and the county court. No express provision has at present been made upon this subject, and it is important that the question of priority between these conflicting executions should be settled.

*To depend on Priority of Instructions to Clerk or Deputary to Sheriff.*—We think that the priority should be determined by the time of the delivery of the writ to the sheriff to be executed, or of the application to the clerk to issue a warrant to be executed, as the case may be.

(To be continued).

**GEORGE BICKLEY**, late of Devereux-chambers, Devereux-court, Strand, then of Bowling-green-street, Kennington, and now of Lower Kennington-green, Kennington, dealer and chapman, July 9 at 2, and Aug. 15 at 12, London: Off. Ass. Stansfeld; Sol. Chidley, Gresham-street, City.—Pet. f. June 29.

**JOHN DIVERS**, Talbot-court, Eastcheap, dealer and chapman, July 14 at half-past 1, and Aug. 11 at 12, London: Off. Ass. Cannan; Sols. Young & Plews, 29, Mark-lane.—Pet. f. June 27.

**CHARLES AVERY**, Fenchurch-street, colonial broker, July 11 at 11, and Aug. 14 at 12, London: Off. Ass. Nicholson; Sol. Hewitt, 6, Nicholas-lane.—Pet. f. June 20.

**THOMAS BAKER**, Kidderminster, dealer and chapman, July 13 and Aug. 10 at 11, Birmingham: Off. Ass. Bittleston; Sols. Boycott, Kidderminster; Motteram & Knight, Birmingham.—Pet. d. June 27.

**JOHN WALLEY**, Derby, boiler maker, July 17 and Aug. 7 at 10, Nottingham: Off. Ass. Harris; Sols. Pickering, Derby; Reece, Birmingham.—Pet. d. June 27.

**WILLIAM BENNETT**, Portishead, Somersetshire, carpenter, July 16 and Aug. 13 at 11, Bristol: Off. Ass. Acraman; Sols. C. G. & J. G. Heaven, and Brittan & Son, Bristol.—Pet. f. June 29.

**JONATHAN CRUSE**, Stapleton, Gloucestershire, dealer and chapman, July 16 and Aug. 30 at 11, Bristol: Off. Ass. Miller; Sols. Bevan & Girling, Bristol.—Pet. f. July 2.

**JAMES TAPPER EVERY**, Devonport, cabinet maker, July 9 at 11, and Aug. 6 at 1, Plymouth: Off. Ass. Hirtzel; Sols. Gidley, jun., Plymouth; Stogdon, Exeter.—Pet. f. June 30.

**WILLIAM JOHN MACKARSIE**, Clay Cross, Derbyshire, surgeon, July 21 and Aug. 11 at 10, Sheffield: Off. Ass. Brewin; Sol. Clayton, Chesterfield.—Pet. d. June 30.

**GEORGE BATEMAN**, Stanley, West Derby, and Liverpool, Lancashire, dealer and chapman, July 17 and Aug. 13 at 11, Liverpool: Off. Ass. Morgan; Sols. Francis & Almond, Liverpool.—Pet. f. June 20.

#### MEETINGS.

*George Healey*, Preston, timber merchant, July 20 at 11, Manchester, last ex.—*Matthew R. Scott*, Harley-place, St. Marylebone, West India merchant, and Lloyd's Coffee-house, underwriter, July 13 at 11, London, and aud. ac.—*John Gower*, Lawrence-lane, warehouseman, July 13 at 11, London, and aud. ac.—*Catherine Dixon*, Lynton, tailor, July 13 at half-past 1, London, and aud. ac.—*George Booth*, Bishopwearmouth, Durham, shipowner, July 13 at half-past 11, Newcastle-upon-Tyne, and aud. ac.—*H. Brown*, Liverpool, ship chandler, July 13 at 11, Liverpool, and aud. ac.—*J. Stapp*, Snow-hill, cheesemonger, July 27 at half-past 12, London, div.—*Charles Peverelle* and *Francis Peverelle*, Birmingham, hardware dealers, July 30 at half-past 10, Birmingham, and aud. ac.—*Edward Weston*, Dudley, Worcestershire, hosier, July 26, Birmingham, div.—*Edward Deves*, Wolverhampton, licensed victualler, July 26, Birmingham, div.—*Timothy B. Bourne*, Liverpool, cotton broker, July 27 at 11, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

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## GAZETTES.—FRIDAY, July 6.

## BANKRUPTS.

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THOMAS PHILPS, Green-lanes, Highbury-park, dealer and chapman, July 14 at 11, and Aug. 17 at 1, London: Off. Ass. Whitmore; Sol. Brown, 21, Finsbury-place, Finsbury-square.—Pet. f. July 4.

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ROBERT TURNER, Birmingham, chandelier manufacturer, July 20 and Aug. 18 at 11, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham.—Pet. d. July 4.

HENRY WILLIAMSON, Leeds, cloth merchant, July 20 and Aug. 9 at 11, Leeds: Off. Ass. Young; Sol. Blackburn, Leeds.—Pet. d. July 3, and f. July 4.

JONATHAN MURGATROYD, Keighley, Yorkshire, dealer and chapman, July 20 and Aug. 17 at 11, Leeds: Off. Ass. Young; Sols. Weatherhead & Barr, Keighley; Bond & Barwick, Leeds.—Pet. d. and f. July 3.

ROBERT REED, Middlesbrough, Yorkshire, grocer, July 23 at 1, and Aug. 13 at 11, Leeds: Off. Ass. Hope; Sols. Hodge & Harle, Newcastle-upon-Tyne; Preston, Leeds.—Pet. d. June 23.

HUGH HENRY ROSS, Liverpool, dealer and chapman, (trading under the firm of Joseph Jackson & Co.), July 18 and Aug. 15 at 11, Liverpool: Off. Ass. Cazenove; Sols. Sale & Co., Manchester; Greatley, Liverpool.—Pet. f. June 25.

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## MEETINGS.

Charles Satter and Richard Morris Evans, Upper King-street, Bloomsbury, tailors, July 17 at 11, London, pr. d.—Daniel Cutter and Thos. Jas. Hunter, Regent-st., St. James's, Westminster, tailors, July 19 at 12, London, aud. ac.—Wm. A. Putnam, Strand, china dealer, July 28 at 1, London, aud. ac.—Wm. Morgan, Bristol and Bath, potato dealer, July 19 at 11, Bristol, aud. ac.—Edward Dawes, Wolverhampton, licensed victualler, July 26 at 11, Birmingham, aud. ac.—E. Weston, Dudley, hostler, July 26 at 11, Birmingham, aud. ac.—Peregrine Joyce, Worcester, commission agent, July 26 at 11, Birmingham, aud. ac.—Henry Thomas, Walsall, saddler, July 27 at 11, Birmingham, aud. ac.—James Grant, Birmingham, tailor, July 27 at 11, Birmingham, aud. ac.—Jas. Ashworth, Nunhills, Rossendale, Lancashire, woollen manufacturer, July 20 at 12, Manchester, aud. ac.—Thos. Wade-worth, Macclesfield, silk dealer, July 18 at 12, Manchester, aud. ac.; July 30 at 12, div.—James Dalton, Newton-heath, near Manchester, emery grinder, July 17 at 12, Manchester, aud. ac.—Peter Ward, Harrington, Cumberland, alkali manufacturer, July 17 at half-past 11, Newcastle-upon-Tyne, aud. ac.—John Harrison, Sunderland, licensed victualler, July 17 at 11, Newcastle-upon-Tyne, aud. ac.—Wm. Martin, Newcastle-upon-Tyne, joiner, July 17 at 12, Newcastle-upon-Tyne, aud. ac.—James Smith and John Holmes, Denholme, Bradford, worsted manufacturers, July 31 at 12, Leeds, aud. ac. and div.—Louise Browett, Bradford, innkeeper, July 31 at 12, Leeds, aud. ac. and div.—David Foster, Goole, Yorkshire, ironmonger, July 31 at 11, Leeds, aud. ac. and div.—Thos. Goodworth Jackson, Goole, Yorkshire, joiner, July 31 at half-past 11, Leeds, aud. ac. and div.—Nathan Clough, Bradford, painter, Nov. 6 at 11, Leeds, aud. ac.—Jas. King, North Audley-street, Grosvenor-square, coach builder, July 28 at half-past 11, London, div.—George Frederick Rossiter, London-wall, wholesale clothier, July 28 at half-past 11, London, div.—Robert Roberts, Liverpool, tailor, July 30 at 11,

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## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

William Peter Grant, Cambridge, bookseller, July 30 at 1, London.—Henry Adams, Uxbridge, mealman, July 28 at 12, London.—Thomas Lands, High-street, Camden-town, shoe vendor, July 27 at 1, London.—Richard J. Orgies, Kingsland-road, Shoreditch, victualler, July 28 at half-past 12, London.—James Speller, High-street, Wapping, millmaker, July 30 at 11, London.—James Wilson, Princess-st., Hanover-square, tailor, July 30 at half-past 1, London.—Wm. Alfred Putnam, Strand, china dealer, July 28 at 1, London.—Thos. Sephton, Prescott, Lancashire, licensed victualler, July 27 at 11, Liverpool.—Henry Thomas, Walsall, saddler, Aug. 9 at half-past 11, Birmingham.—Robert W. Bennett, West Bromwich, brewer, Aug. 9 at 11, Birmingham.—Alfred Cheadle and Frederick Cheadle, Stone, Staffordshire, drapers, Aug. 9 at half-past 11, Birmingham.—Joak Carver and Wm. Carver, Halifax, machine makers, July 27 at 11, Leeds.—Henry F. Newell, Bradford, linendraper, July 27 at 11, Leeds.—Samuel Oldfield, John Allen, and Edward J. S. Consens, Huddersfield, woollen cloth merchants, July 27 at 11, Leeds.—Henry Watson, Sheffield, common brewer, July 28 at 10, Sheffield.—John Bradbury, Sheffield, joiner, July 28 at 10, Sheffield.—Wm. Jenkinson, Ecclesfield and Sheffield, paper manufacturer, July 28 at 10, Sheffield.

To be granted, unless an Appeal be duly entered.

George R. Waitell, Noble-street, Wood-street, commission agent.—William Morgan, Bristol and Bath, potato dealer.—John Coson, Macclesfield, butcher.—Charles Hargreaves and Michael Hargreaves, Bradford, whitesmiths.—John Blakey and George Blakey, Keighley, Yorkshire, grocers.—Louise Browett, Bradford, innkeeper.—Joseph Webb, Scarborough, hotel keeper.—Jeremiah New, Sheffield, saw manufacturer.

## PETITION DISMISSED.

Robert G. Rose, Cowley-terrace, North Brixton, draper.

## TUESDAY, July 10.

## BANKRUPTS.

EMILIO PISTRUCCI, late of Bedford-street, Bedford-square, afterwards of Windsor-terrace, Pimlico, now a prisoner in the Debtors Prison for London and Middlesex, general commission agent, July 23 at half-past 11, and Aug. 20 at 12, London: Off. Ass. Lee; Sol. Hatton, 17, Essex-street, Strand.—Pet. f. June 30.

JAMES HENRY LANGDON, Exeter, merchant, July 19 and Aug. 16 at 11, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Pet. f. July 6.

AARON MARKS and NAHUM SALAMON, Sheffield, merchants, July 21 and Aug. 25 at 10, Sheffield: Off. Am. Brewin; Sol. Fretson, Sheffield.—Pet. d. July 5.

THOMAS WADE, Newlay, near Leeds, stone merchant, July 30 at 12, and Aug. 20 at 11, Leeds: Off. Ass. Hope; Sols. Blackburn, or Preston, Leeds.—Pet. d. July 9.

JOHN TAYLOR, Manchester, dealer and chapman, July 25 and Aug. 9 at 12, Manchester: Off. Ass. Hernaman; Sol. Wise, Manchester.—Pet. f. June 18.

DAVID MACKECHNIE, West Hartlepool, Durham, dealer and chapman, (formerly carrying on business with James Waddell Jeffreys Oswald), July 20 and Aug. 17 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Brignal, Durham; Hartley, 6, Southampton-street, Bloomsbury.—Pet. f. July 6.

## MEETINGS.

Wm. Benning, Fleet-street, law bookseller, July 20 at 2, London, pr. d.—George Wilson, Salford, ironfounder, July 23 at 12, Manchester, last ex.—Robert Neal, Wandsworth-common, Surrey, carman, July 24 at 1, London, aud. ac.—Wm. Jarman, Gloucester-terrace, Hyde-park, boarding-house keeper, July 24 at 2, London, aud. ac.; July 31 at 11, div.—Thomas W. Nichols, York-road, Battersea, candle manufacturer, July 21 at 11, London, aud. ac.—C. H. Twyman and James E. Twyman, Great Tower-street, provision merchants, July 21 at 11, London, aud. ac.—Joshua Monckton, King-street, Baker-street, licensed victualler, July 21 at 11, Lon-



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## THE JURIST.

LONDON, JULY 14, 1855.

In the case of *Watts v. Porter*, (1 Jur., N. S., part 1, p. 133), A., by agreement in writing, charged a sum of stock, standing in the name of trustees for him, with a sum of money lent to him by the plaintiff. The plaintiff did not give notice of this charge to the trustees. Subsequently a creditor of A. recovered judgment against him, and obtained an order under the 1 & 2 Vict. c. 110, s. 14, charging the stock, of which he gave notice to the trustees; and it was held by Lord Campbell, C. J., and Wightman and Crompton, JJ., (Erle, J., dissentiente), that the charge of the judgment creditor was entitled to priority over the plaintiff's charge.

We understand that there is a difference of opinion in the Profession as to the soundness of this decision; but we must confess that the reasons given by the majority of the learned judges, and their conclusion, appear to us satisfactory. The words of the 14th section of the 1 & 2 Vict. c. 110, are, that if any judgment debtor shall have any stock "standing in his name in his own right, or in the name of any person in trust for him, it shall be lawful for a judge, on the application of any judgment creditor, to order that such stock, &c. shall stand charged with the payment of the amount for which such judgment shall have been so recovered, and interest thereon, and such order shall entitle the judgment creditor to all such remedies as he would have been entitled to if such charge had been made in his favour by the judgment debtor." Lord Campbell, C. J., delivering the judgment of the majority of the judges, said, "By the order, the stock is to stand charged with the payment of the money recovered by the judgment, and it is to have the same effect as if such charge had been made in favour of the judgment creditor by the judgment debtor. If at the time of the order a charge had been given on the fund by the judgment debtor in favour of the judgment creditor, the judgment creditor having no notice of any previous charge, and he had given notice of his charge to the trustees, independently of the statute it would have had priority over the previous charge created in favour of Elizabeth Davis,"

(i. e. the first mortgagee), "of which no notice had been given to them. But by the statute the judge's order is to be a charge upon the stock, as if a charge had been given by an instrument which the debtor had himself signed; and the remedies upon it are the same. A charge so given by the debtor to a creditor, without notice of any previous charge, if notice of it be served upon the trustees, would certainly be preferred to a previous equitable charge, of which the trustees had no notice. It is the notice only which establishes any privity between the trustees and the party in whose favour the charge is given; by such notice only is the security completed. When it is given, the trustees become trustees for the party in whose favour it is given, and till this charge is satisfied, they can apply no part of the fund to satisfy the demand of a party who had obtained a prior equitable charge, of which they had subsequent notice."

Thus, as it seems to us, the words of the statute were construed in their natural sense; the rules of law relating to equitable mortgages were applied; and priority of notice was held to give priority of charge, in accordance with the doctrine established by *Dearle v. Hall* and *Loveridge v. Cooper*, (3 Russ. 1).

In opposition to the decision, it is contended that the charging order given by the statute is only in the nature of an equitable execution, operating merely upon the interest which would remain in the debtor after satisfaction of all previous charges, whether perfected by notice or not. But this would narrow the statute; it would not give the creditor "all such remedies as he would have been entitled to if such charge had been made in his favour by the judgment debtor." On the contrary, it would place him in a very inferior position.

In support of this limited effect of the charge it is also argued that the charge intended by the statute is a "lawful" charge. If this means such a charge as the law permits a debtor to make, the observation is correct; but it cannot be confined to such a charge as the law allows the debtor "honestly" or "fairly" to make. The fact that the debtor obtained the money charged by falsely representing that the stock was unincumbered would not render the charge illegal. If

he made fifty charges on the stock they would all be lawful, however insufficient the stock might be to discharge them, and whatever might be the morality of the transaction, or the liability in which it might involve the debtor.

It is urged, that after an assignment of the stock by the equitable owner to a creditor, without notice by the latter to the trustee, the stock is no longer standing in the name of the trustee in trust for the debtor, and therefore the case is not within the 14th section of the statute. Now, whatever may be the rights as between the debtor and his assignee, it is submitted that this is not true as respects the trustee and a subsequent assignee without notice of the prior assignment. The trustee, not having received notice, is not trustee for the first assignee, but for the debtor, (Sugd. V. & P. 1025, 11th ed.); and until notice he would not be liable to that assignee for transferring the fund to the debtor or the subsequent assignee. The question is not whether, as between the debtor and the first assignee, the latter can compel the trustee to transfer the fund to him, but whether, in a competition between rival assignees, the assignee who has given notice has not a better equity or right to call for a transfer than the assignee who has not. To use the words of Sir T. Plumer, "If by the first contract *all the thing* is given, there remains nothing to be the subject of the second contract;" and it seems to be considered that this was the effect of the agreement to charge in *Watts v. Porter*. But the thing (i. e. the stock) was, it is submitted, not given by that agreement. All that was thereby given was a right to demand the thing; and the judgment creditor, to whom the statute also gave a right to demand it, having by his notice acquired a better right to demand it, ought to be preferred.

It is a fallacy to represent the judgment creditor as taking the stock from the first mortgagee. The latter never had it; that is, he never had such possession of it as he might and ought to have had; he neglected to acquire the "quasi legal title;" he did not specifically bind the property, and had no rights in rem; whereas the judgment creditor had obtained all such rights, property, and possession as were possible, having regard to the nature of the fund.

It is said that greater effect is given by the decision to an order upon stock standing in the name of a trustee than upon stock standing in the debtor's own name. But in both cases the first mortgagee will have priority if his title is complete; it does not make any difference in the operation of the statute, that in the one case notice is necessary to complete the title, and that in the other case it would be useless and absurd.

To regard the case from another point of view. Suppose that in *Watts v. Porter* there had been a second mortgage by deed after the judgment, and notice had been given of that second mortgage. Then, according to the opponents of *Watts v. Porter*, the first mortgagee would stand, in the order of priority, before the judgment creditor who has given notice, but after the second mortgagee, and yet the judgment creditor would have priority over the latter!—unless, indeed, the judgment creditor is to be postponed to all subsequent incumbrancers, and even purchasers.

It is said that the reasons for preferring a second

mortgagee who has given notice do not apply to a judgment creditor. Now, (not to urge that a judgment creditor with a charging order is, in fact, an equitable mortgagee); one of the reasons for the preference certainly does apply—namely, the prevention of frauds, by forcing the first mortgagee into giving notice of his security; and if priority is the reward of diligence, why is not a creditor who has obtained a judgment and charge as much entitled to favour as an equitable mortgagee by deed? Surely, if the judgment creditor in *Watts v. Porter* had not given notice, he would have been postponed to a subsequent mortgagee who had; and if so, he ought to enjoy a corresponding advantage. Why should not the general creditors be entitled to a like protection? The interests of the community at large will be best consulted by extending the rule as widely as possible; and if it does not apply to equitable interests in real estate, the sooner it is made to include them the better.

The authorities appear to support the decision. The language relied upon in *Braercliffe v. Dorrington* (4 De G. & S. 122) amounted only to an obiter dictum; and whatever were the reasons in *Dunster v. Lord Glengall*, (3 Ir. Eq. Rep. 47), the decision is not opposed to *Watts v. Porter*. In the other cases referred to, in opposition to it, the first mortgage was perfected, and could have been sustained against all subsequent incumbrancers, whether under the 1 & 2 Vict. c. 110, or not.

The facts in *Dearle v. Hall* and *Loveridge v. Cooper* shew most strongly the expediency of maintaining the doctrine of priority by notice intact, and we are happy to find that it has not been shaken. *Esto perpetua*.

## THE PARTNERSHIP AND LIMITED LIABILITY BILLS.

WE have read these bills as amended in committee, and with the respect and consideration due to the sanction under which they have been produced; but the more we think of them the less we think of them. The alteration made in the Partnership Amendment Bill is the substitution of a provision depriving the lender of his remedy for the debt if he omit to register the loan within ten days, in lieu of the provision which made the exemption from liability as a partner conditional on immediate registration. The clauses now stand thus:—

2. "No person who may hereafter lend any money to any other person not being a banker, or to any partnership or company not being a banking partnership or company, shall be deemed to be a partner with the person or a member of the partnership or company borrowing such money by reason of his receiving or being entitled to receive a portion of the profits made by such person, partnership, or company so borrowing, or a sum varying according to the amount of such profits, either in lieu of or in addition to any interest for or on account of such loan, or by reason of any agreement to bear any portion of the loss which may be sustained by such person, partnership, or company in any trade or business carried on by him or them."

3. "The following particulars in respect of every such loan shall be registered at the office for the regis-

tration of joint-stock companies in London, in cases where the borrower is resident in England, and at the office for the registration of joint-stock companies in Dublin, in cases where the borrower is resident in Ireland, (that is to say),

The name, place of business, and description of the lender:

The name, place of business, and description of the borrower:

The amount of the loan:

The proportion of profits, interest, or sum varying according to the amount of profits, payable in respect of such loan:

And if such loan be not registered within ten days of the making thereof, if the lender be living at the expiration of such ten days, such loan shall not be recoverable; and if any material omission or misstatement is made in any of the above particulars, no interest or profits in respect of such loan shall be recoverable by the lender."

We assure our readers that we have had the above extract carefully read over with an authentic copy of the amended bill, purchased at the Parliamentary Papers Office, and that it is correct to a letter. The rest of the bill is unaltered, except by the substitution in the 6th clause of three months for a year, as the period during which the lender is to be liable to account to the creditors for receipts on account of principal, profits, or interest. It is proposed, then, by the promoters of the amended bill—

1. That if a business is carried on by A. with B.'s capital, B. receiving nine-tenths of the profits, and agreeing to bear nine-tenths of the losses, A. and B. shall not be partners.

2. That if A. manage the business of B. as his agent, factor, or servant, receiving a share of the profits, A. and B. shall not be partners.

3. That if, in case No. 1, B. also manages the business for A. under the name of his servant or agent, in consideration of a further share of profits, A. and B. shall still not be partners, unless, indeed, Lord Brougham's reasoning in *Upfill's case* should be adopted and applied.

4. That no partner shall have any remedy for money which he brings into the concern on the terms of sharing profits in proportion to the amount of his advances, unless within ten days after making the advance he publishes the particulars to the world.

Very well. It is a rule of law, that if a debt is contracted by A. in the due course of his trade, while B. is a partner with him in that trade, B. is liable to be sued by the creditor for the debt; and the bill does not interfere with that rule. Now, suppose the bill passed into a law, and that a creditor, having supplied goods to A., the manager of a business, under the notion that A. and B. are partners, seeks payment from A. and B., how is he to prove B.'s liability? Under the old rule he had only to prove that B. shared or was entitled to share the profits, or that B. held himself out as partner, or as having an interest in the business; in other words, that he either really was a partner, (taking part in the adventure, or *parting* or dividing the profits), or that he assumed to be so. But we are no longer to look to the substance of the transaction, and must seek other tests. What are they? We will suppose that the creditor can prove that B. told him that he had an interest in the business, (which, indeed, B. could not deny with truth, for being entitled to a share in the profits is certainly an interest in the business); that B. was frequently in the counting-house, looking

over and making up the books, (a proceeding necessary to his own security); that there was in existence a deed of covenant between A. and B., containing, not indeed the word "partner" or "partnership," but stipulations that A. should carry on the business; that B. should furnish the whole of the capital for a certain period; that B. should have a share of the profits, and bear a like share of the losses; that consequently, if at the end of the term, or before if the business were sooner discontinued, the capital or any part of it should have been lost, A. should not be personally liable to repay the loan; that A. should keep proper accounts, and produce all accounts and vouchers to B.; that an annual balance should be taken; that the business should be confined to —; that on the termination of the loan the whole of the stock-in-trade and credits should be converted into money, and the surplus proceeds left after repaying B.'s capital should be divided. These are the principal provisions in an ordinary partnership deed. These would clearly not render B. a partner under the proposed law; and if these would not, we do not see how such minor ancillary stipulations as the following could do so:—That the business should be carried on at M., under the firm of Y.; that without B.'s consent A. should not draw more than £— per month for his own use, nor engage in any other trade, nor hire or dismiss any servant, nor give credit to any person beyond £—, nor become bail, &c.; that on the expiration of the term A. should take all the assets at a valuation, and give B. his bond for payment of his capital and share of profits. But we have now stated *all* the ordinary provisions of a partnership deed, except the formal one that the parties will be partners. What circumstances, then, must the creditor prove to establish the liability of B.? What circumstances must exist to enable B. himself to know whether he is a partner or not? We have exhausted every substantial circumstance, and are at a loss to imagine any formal one of sufficient significance. The framers of the bill have not completed their task. Having repealed the known definition and tests of partnership, without, as it appears, intending to abolish the thing, and the notion of it, altogether, it is incumbent on them to say, in express terms, what they mean in future to be partnership, and by what sign it is to be known. B. may share in the profits of a business, agree to bear the losses, assist in the conduct of its exercise control over it, and yet not be a partner—we were about to say not a trader, but recollected the 65th section of the Bankrupt-law Consolidation Act, 12 & 13 Vict. c. 106, which includes in the definition of trader "all persons who either for themselves, or as agents or factors for others, seek their living by buying and selling," &c. What, then, is in future to make these sharers in profits partners—to change the mere mechanical mixture into a chemical combination? Must we have more "magic of words"—add "partners" to the list of words, such as "heirs," "exchange," &c., which have no legal synonyms? Must the parties say, in so many words, either on parchment or orally, that they will be partners; and, having said so, may they the next day agree between themselves with effect that they will no longer be partners? May B., when sued for a debt contracted by A. for the common benefit, give in evidence a conversation on Monday, the 9th, in which an oral agreement for partnership entered into on Saturday, the 7th, was orally rescinded?

Questions similar to those we have suggested in the case of a creditor would arise on a dispute between the—(language fails us in the attempt to reason about this bill)—sharers of profits themselves. We have pursued this line of observation far enough. Let us now turn to the operation of the 3rd section.

The 3rd section provides, that no person who lends money to any other person or partnership, on the terms of receiving a portion of the profits of the business carried on by such person or partnership, shall be entitled to recover the loan, unless he registers certain particulars within ten days after it is made. His right to recover the interest or profits is made the subject of a separate provision, namely, that the interest or profits shall not be recoverable if any material omission or misstatement is made in any of the prescribed particulars. This seems to imply, either that a material omission in the particulars *will not*, or that an immaterial omission *will*, destroy the right to recover the loan itself. Then there is no definition of "money." Does it include money's worth? If it include money's worth, does it apply to the sale of goods on credit? And if not, does it include cheques, bills of exchange, stock, shares, &c.? But we are concerned rather with the general scope than with the details of the provision. No one may lend money on the terms of sharing in profits, without publishing the particulars of the loan to the world! A partner who brings in "money" (whatever that word may include) forfeits all right to it unless he registers the loan within ten days. Why? We turn to the words of the advocates of limited liability for the reply, and we find, among those of the most eminent among them, the following passages in praise of non-interference with private dealings:—

"If ever there was a rule established by reason, authority, and experience, it is that the interest of a community is best consulted by leaving to its members, as far as possible, the unrestrained and unfettered exercise of their own talents and industry." (Mr. Bramwell, Appendix to Mercantile Commission Report, p. 23).

"It is, above all, with reference to the improvement and elevation of the working classes that complete freedom in the conditions of partnership is indispensable." (Mr. John S. Mill, Political Economy, vol. 2, p. 468).

"The general principle of the advisability of allowing perfect freedom in the making of contracts between man and man, only guarding against wilful deception." (Mr. K. D. Hodgson, Appendix to Mercantile Law Report, p. 37).

"The received principle in commercial legislation is to leave people to act for themselves, and not to restrict competition. The burthen of proof lies on those who introduce an exception to this principle in favour of large capitalists, and maintain that the law should interfere by prohibitive enactments on behalf of those best able to take care of themselves." (Mr. Robert Lowe, Id., p. 84). And so forth.

The alterations made in the Limited Liability Bill are in matters of detail, and do not call for special comment. We have already discussed the scheme of that bill.

We said, when these bills were first promised by the Government, that the bursting of the limited liability bubble was at hand; that no competent draftsman could make the attempt to embody in law any scheme of limited liability that would satisfy the advocates of the measure, without perceiving that the thing was impracticable, and declining the task; and that when at length a draftsman had been found incompetent or reckless enough to do the job, his handiwork would contain a compendious and conclusive demonstration of the inherent absurdity of his instructions. The repeated delays in the production of the bills, and the bills now that we have them, justify our anticipations.

## NOTES OF THE WEEK.

THE resignation of Mr. Justice Maule, and the appointment of Mr. J. S. Willes as his successor, have been the principal subjects of professional interest during the past week. The learned judge who has retired after sixteen years of judicial service was one of the most eminent lawyers that ever adorned the Bench, and it is to be hoped that the public will not altogether be deprived of his services, but that, like Sir John Patteson, he will continue to give them the benefit of his great experience and learning in a less arduous, though not less honourable, office than that which he has resigned. With regard to his successor, the public and the profession have reason to be fully satisfied; although comparatively young, his reputation is already established as one of our soundest lawyers, as a man of great and general information, and as one who has done good service in promoting useful reforms in the law.

The following gentlemen have been made Queen's Counsel:—C. S. Whitmore, Esq., (Oxford Circuit); W. Overend, Esq., P. A. Pickering, Esq., and James P. Wilde, Esq., (Northern Circuit); and W. Bovill, Esq., (Home Circuit).

C. Temple, Esq., Q. C., succeeds J. W. Wing, Esq., as County Court Judge of Northamptonshire.

The Queen has been pleased to grant to Travers Twiss, D.C.L., the office of Professor of Civil Law in the University of Oxford, in the room of Dr. Joseph Phillimore, deceased.

We regret to announce the death of John Venn Prior, Esq., of the Chancery Bar, who expired last week in consequence of injuries caused by a fall from a horse. Although he had only attained the age of forty-three, he had long enjoyed a very extensive professional practice, and he was deservedly considered one of the leading members of the outer Bar. He was as much esteemed for his kind heart and amiable disposition as he was respected and admired for those higher mental endowments which had raised him to the position which he occupied.

The Court of Exchequer Chamber (June 30) have affirmed the judgments of the Court of Exchequer in *Watts v. Rees*, (8 Exch. 696), deciding that in an action by an administrator for a debt due to him as such, the defendant cannot plead a set-off of money due to him from the intestate in his lifetime; and in *Giles v. Jones*, (10 Exch. 119), deciding that a contract for the sale of a certain number of tons of iron by the ton "long weight" is valid, and not rendered illegal by the 5 & 6 Will. 4, c. 63, or the 5 Geo. 4, c. 74.

## FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 276).

### PROCEDURE—(Continued).

#### Judgment Summons.

*Judgment Summonses to be issued in the Home or Foreign District, at Discretion of Judge.*—At present a judgment summons must issue in the district within which a judgment debtor is resident, although the judgment may not have been pronounced in that district. This appears to be a hardship upon the successful party; but, on the other hand, the power to bring the defendant from one part of the kingdom to the other to answer his creditor might be used vexatiously.

We therefore recommend, that where the defendant resides out of the district in which the judgment was obtained, it shall be competent for the judgment cre-

ditor, by leave of the judge, if he shall think fit to grant such leave, to summon the judgment debtor to the court in which the judgment was obtained.

*Certificate under Bankrupt, Insolvent, or Protection Act to bar a Judgment Summons.*—By law, a certificate under the Bankrupt Laws, a discharge under the Insolvent Act, or a protection under the Protection Acts, does not relieve any one from a commitment upon a judgment in the county court.

We are of opinion, that as such proceedings would operate as a bar to proceedings in respect of all other debts, it is only just they should have a similar effect on a judgment in the county court.

#### *Prisons.*

With reference to the gaol to which defaulters may be committed, we think some alteration in the law may be beneficially made.

By the present law the defaulter must be committed to the county gaol, or to some other place of confinement sanctioned for that purpose by the Secretary of State. It sometimes occurs that the county gaol, or that authorised by the Secretary of State, is much farther from the court than the gaol belonging to an adjoining county. Thus, Horsemonger-lane Gaol, which is in the county of Surrey, is but a short distance from the County Court of Kent at Greenwich, while the county gaol, which is at Maidstone, is more than thirty miles distant. Considerable expense and inconvenience are caused by conveying the defaulter so great a distance.

*Defaulter should be sent to Gaol nearest Court.*—We recommend, therefore, that he should be committed to the gaol nearest to the court, whether it be situated in the county in which the court is held, or in a neighbouring county, but that in the latter case the prisoner should be supported at the expense of the county within which the court is held.

#### *Judgment by Default.*

At present (as appears at p. 216) the practice of judgment by default, properly so called, does not exist in the county court; but in the event of the defendant not appearing, on proof of proper service of the process, the cause is tried as undefended. The objection to this practice is, that it compels the plaintiff to prove his case at the hearing, instead of taking his judgment for the whole amount claimed, as in an action for the recovery of a debt in the superior court. This is, in a few instances, productive of some inconvenience to plaintiffs.

*Not desirable in Proceedings for Claims not exceeding 20l.*—But with respect to claims in amounts not exceeding 20l., we do not think any ultimate advantage would be obtained by interfering with the present practice.

*Desirable in larger Amounts, and Parties should be permitted to serve Summons themselves.*—With regard to sums above 20l., where the claim is founded on contract, as the defendants are of the same class as those sued in the superior courts, and as that jurisdiction is concurrent with that of the superior courts, we think that the practice of judgment by default might be beneficially introduced, provided that the service of the process be personal, and proper notice of the consequences of not appearing be given in the summons.

In these cases we think that the plaintiffs should be permitted to serve the summons, without the intervention of the bailiff.

#### *Conclusion.*

*Proceedings convenient.*—In conclusion, we may observe that the proceedings and practice in the county court appear to us to be convenient for the purpose of exercising the jurisdiction with which it is invested, as they are simple, prompt, and inexpensive.

*Rules made by Committee of County Court Judges, which are not strictly applicable to increased Jurisdiction.*—With regard to the body of rules already mentioned, (see ante, p. 216), which was framed by a committee of county court judges, and supervised by a chief justice and two other judges of the superior courts, under the authority of the 12 & 13 Vict. c. 101, s. 12, it appears to us that they have been useful, and have tended to secure uniformity in the practice of the county courts.

Since the above rules were framed, the jurisdiction of the county courts has been extended to a variety of matters which are not specifically provided for by the practice; and therefore, when it is sought to apply any practice with reference to those matters, it can be at present only by analogy. This, in many instances, is found to be inconvenient.

*Additional Rules recommended.*—We recommend, therefore, that additional rules should be framed, which shall be specifically applicable to the matters of extended jurisdiction, and that facilities of procedure, similar to those existing in the superior courts, should be introduced into the county court.

The power of making rules has been vested in a committee of county court judges appointed by the Chancellor, in pursuance of the 15 & 16 Vict. c. 54, s. 1.

*Continuance of Powers of Committee recommended for that Purpose.*—We think it desirable that the powers of that committee should be continued, subject to the same supervision as already provided by law. The effect of this will be to prevent in a great degree the differences of practice likely to arise in 500 co-ordinate courts, and to secure as far as possible conformity between the practice of those courts and that of the superior tribunals.

No additional charge will be brought upon the revenue by the continuance of the powers of the committee, as the judges of whom it consists act without remuneration.

*Further Scale of Fees recommended.*—We think that a scale of fees applicable to the matters not within the ordinary jurisdiction of the court for the recovery of pecuniary demands should be established, in order that all persons availing themselves of the tribunal may contribute proportionately to its support, so long as it is not maintained at the public expense.

#### FEEs.

We next proceed to consider the subject of fees.

We will inquire, first, whether the amount raised by fees paid in the county courts can be levied in a manner less burthensome to the suitors; and, secondly, whether that amount can be properly reduced.

*Fees may be levied in a less burthensome Manner.*—I.—We think that the amount of the fees now levied in the county courts may be raised in a manner less burthensome to the suitors.

Before stating the alterations we propose with reference to fees, it is desirable to give a short statement of the origin of the present scale, embraced in the first and second classes above mentioned. (See ante, p. 260).

*Origin of present Scale.*—By the 9 & 10 Vict. c. 95, s. 37, it was provided, that certain fees, mentioned in Schedule (D.) to that act, should be taken for the benefit of the judges, clerks, and high bailiffs, irrespective of the general fund fee, which was established by sect. 52 of the same act, and is applicable to different purposes. By sect. 37, a power was reserved to one of her Majesty's Principal Secretaries of State, with the consent of the Commissioners of her Majesty's Treasury, to alter, but not to increase, the fees mentioned in the schedule to the act. A similar power was contained in sect. 52, with reference to the general fund fee. (See ante, p. 261). More extensive powers of altering the fees

were afterwards conferred on the same authorities by the 12 & 13 Vict. c. 101, s. 6.

*Complaints of former Scale.*—Soon after the establishment of the courts, many complaints were made by the suitors, both of the scale mentioned in the schedule, and of the contribution to the general fund. The principal objections to the then existing scale were—

First, that the amount of fees, including the first and second classes, was excessive:

Secondly, that the language of the schedule was so vague that the officers were enabled to take more fees than the Legislature intended:

Thirdly, that as the amounts in respect of which the fees were to be taken rose only by four steps, from 1*l.* to 20*l.*, the suitor who claimed 2*l.* 1*s.* was compelled to pay as much as he who claimed 5*l.*, and the suitor who claimed 10*l.* 1*s.* was compelled to pay as much as he who claimed 20*l.*

*Reference to fee County Court Judges.*—In the year 1850 a Secretary of State and the Lords Commissioners of the Treasury, in consequence of these complaints, determined to exercise the powers with which they were invested under the 12 & 13 Vict. c. 101, s. 6, and the 9 & 10 Vict. c. 95, s. 52, to alter the amount of fees taken in the county courts; and the committee of county court judges appointed by the Chancellor, in pursuance of the 12 & 13 Vict. c. 101, s. 12, were requested to consider the matter, and to frame a scale of fees in conformity with their views, on the principle, that, having regard to the average amount of the business in the courts, the fees, including the general fund fee, should produce a sufficient revenue to support the whole of the establishment and its incidents, with the exception of the salaries of the treasurers, which were by sect. 23 of the 9 & 10 Vict. c. 95, expressly charged upon the Consolidated Fund.

No interference with the third, fourth, or fifth class of fees (ante, p. 261) was suggested to the committee, and the law with respect to them remains unaltered.

*Suitors relieved to the Extent of One-seventh of the Annual Revenue.*—As to the first objection, the committee proposed that the suitors should be relieved to the extent of one-seventh of the total amount of the revenue produced by the fees. It was suggested, that, by analogy to other taxes, a diminution in the amount of the fees would produce a corresponding increase of business, and consequent increase of revenue, and therefore that no permanent loss would result from the proposed reduction. The Government consented to undertake the risk of the non-productiveness of the court, and accordingly the committee were requested to frame a scale on the principle of such a reduction. The scale now in force was accordingly made, and came into full operation at the beginning of the year 1851.

*Deficiency supplied.*—The anticipations of the committee were fulfilled. The revenue of 1850 was 252,000*l.* Assuming that the same amount of business continued in the courts, the revenue of 1851, after the diminution of one-seventh, or 36,000*l.*, would have fallen to 216,000*l.* By the returns of the year 1851, however, it appears that the total revenue of that year was 272,000*l.* This increased productiveness cannot be attributed entirely to the principle suggested by the committee, as the sum of 36,000*l.* appears by the returns to have been produced by business resulting from the extended jurisdiction over claims not exceeding 50*l.*, which in the year 1851 came into force. Still, however, the remaining sum of 20,000*l.*, beyond the anticipated 216,000*l.*, was fairly attributable to the above-mentioned principle; and in the following year the revenue continued to increase.

*General Fund Fee diminished.*—In the formation of the scale the committee abolished some fees, and reduced the amount of others; and with regard to the

general fund, the fee of 1*s.* in the pound on claims exceeding 40*s.* was reduced to 8*d.* The exemption of sums not exceeding 20*s.*, and the fee of 6*d.* in the pound on sums not exceeding 40*s.*, were left as by law provided.

*Scale made less vague.*—The second objection, founded on the vague language of Schedule (D.), was removed, by employing the language in which the present scale is expressed. From the inquiries we have been enabled to make, we have not discovered any reason for supposing that the intentions of the framers of the scale have not been fulfilled, as it does not appear that any other fees than those strictly sanctioned by the scale have been taken.

*Progressive Increase of Fees; not beyond 20*l.**—The third objection, as to the sudden rises in the scale with reference to the amounts of claims, was met by substituting a scale in which the amounts of the suitors' respective claims were treated as the basis for calculating the fee according to an arithmetical progression, increasing by 1*l.* from the sum of 1*l.* to 20*l.* inclusive.

*Reasons.*—It will be observed that in the above scale the progression stops at 20*l.* If it continued beyond 20*l.*, to claims as high as 50*l.*, the fees would have been so great as probably to exclude that class of business from the court, and so far prevent the revenue from recovering from the loss which the diminution of fees had caused.

*Principles of Scale.*—The principles of the above scale, independent of the reduction of amounts, appear to be, that as the suitors were to be compelled to support the court by paying for the use of it, they should pay in proportion to that use; and as the court was peculiarly the poor man's court, the poorer suitors should pay less than the richer ones.

*Principle correct, but Alterations in detail necessary.*—The answers to the inquiries we have made on this subject satisfy us, that if the courts are to be rendered self-supporting, this scale is in principle correct; although certain fees, which are hereafter referred to, have been shewn by more extended experience to be unnecessarily burthensome to the suitor.

*Fees may be levied in a less burthensome Manner.*—We will now point out how the scale in force, supposing the present amount of revenue to be required from the courts, may be rendered less burthensome to the suitors.

*Mileage on Service and Execution exchanged for fixed Fee of additional 1*d.* in the Pound.*—One of the most burthensome fees which a suitor is called upon to pay is the mileage fee to the bailiff in respect of serving and executing the process of the court. As this fee is paid to the bailiff in respect of his greater labour in travelling to perform his duty, it is equally applicable to the lowest and the highest amount of claim. Such a fee, so far as the bailiff is concerned, is just; but so far as the suitor is affected, is unjust. It compels a plaintiff to pay more or less for the service of his process, according to the accidental circumstance of the distance which his debtor resides from the court. The principle of local jurisdiction is, that in each district, so far as possible, every suitor should have his remedy brought to his own home. This is an object, however, which, though desirable, it is impossible completely to attain, but we think that a greater approximation to its attainment may be made than is effected by the present scale of fees.

We recommend, that in all cases of service or execution of process at a distance from the court the same fee should be paid, whatever that distance may be. This fee should be of such an amount as that, having regard to the average number of services and executions, a total equal to that at present raised should be

secured. The high bailiff would then keep an account, in conformity with the mode of calculating distances now existing in the court, of the miles travelled, and at the audit the treasurer should pay over to him a proportionate sum. No danger of fraud upon the treasurer would exist, because the books of the court, disclosing the place of the defendant's residence, and the distance-book of the court, shewing the number of miles to that residence, would afford a complete check. By this means the burthen would be equally divided among all the suitors of the court, the bailiff would be compensated for his extra labour, and the principle of local administration of justice more completely enforced.

From the calculations we have made, it appears, that in lieu of the mileage fee, an additional 1d. in the pound on the sum claimed would produce the required amount. This will be little more than a nominal increase of fee to suitors where the defendant resides near the court, but will be a most important relief of the burthen now imposed in other cases.

*Mileage in case of Prisoners, exchanged for fixed Fee of 1s. in the Pound.*—Another fee to be found in the existing scale is that of conveying a defaulting party to prison, where he has been committed under the penal clauses of the 9 & 10 Vict. c. 95. The remarks which we have made with reference to the mileage fee in the case of process are equally applicable to this fee.

We propose, on the same principle, that one fee should be substituted for the mileage fee in such cases, however distant the gaol may be from the court.

The calculations we have made lead us to the conclusion, that a fee of 1s. in the pound on the sum for which the warrant issues would produce the required amount. This alteration would have an effect similar to that produced by the proposed change in the service fee.

It will be seen, that in hereafter considering how far the amount produced by the present fees should be reduced, we propose to abolish all mileage fees, and to remunerate the bailiff, in respect of the distance travelled by him in the performance of his duties, out of the produce of the fees proposed to be retained.

We have already made some observations and suggestions as to the more convenient gaols, with reference to distance, to which defaulters should be committed.

*Possession Fee to be calculated on the Value of the Goods seized.*—The fee for keeping possession of goods taken in execution until the time of sale we think also requires modification. It will be observed that the poundage is by the present scale calculated on the amount for which the execution issues.

We think that the fee for possession ought to be calculated only on the value of the goods actually seized, but not exceeding the amount mentioned in the warrant, such value to be ascertained and determined, if necessary, by the clerk. This is more consistent with the nature of a fee for possession having relation to value. In many instances that which is taken into possession is of less value than the amount on which the fee is calculated. In such cases, whether the loss fall upon the plaintiff or the defendant, injustice is the result. In the majority of instances, however, the loss falls upon the plaintiff, as the fees are a prior charge upon the goods seized, and consequently the fruits of the execution are less capable of satisfying the plaintiff's demand.

*Recovery of Tenements.*—The fee on proceedings for the recovery of tenements we think also requires modification. At present it is paid upon the annual rent or value of the tenement sought to be recovered.

*Fee to be regulated by Term of Letting.*—We think that the fee should be regulated by the rent or value for the term of demise, whatever that may be, not exceeding one year. Thus, if the premises are demised for a week, month, or other period less than a year,

fees only in proportion to the amount of the rent or value for that term should be taken, such value to be determined, if necessary, by the clerk.

*Replevin.*—The fee payable on proceedings in replevin we think should also be altered. At present it is regulated by the amount distrained for; whereas, from the nature of replevin itself, which seeks to recover things distrained, the value of the things so distrained ought, on the principle of poundage, to regulate the amount of fees payable.

*Fee to be calculated by Value of Goods.*—We recommend, therefore, that the fee in replevin should be payable in proportion to the value of the goods distrained, such value to be ascertained and determined, if necessary, by the clerk. This and the last-mentioned fee we propose should be subject to the restriction mentioned in the scale with reference to 20l.

*Jurisdiction by Consent.*—In cases of jurisdiction by consent, under sect. 17 of the 13 & 14 Vict. c. 61, the fees are at present calculated on the sum of 50l.

*Fees to be calculated on 20l. only.*—We think that in claims, where the parties may, by consent, give jurisdiction to the county court, under the above section, the fees should not be calculated upon a greater amount than that of 20l. The number of cases under the consent clause tried in the county courts has been exceedingly small, and therefore the diminution of revenue in consequence of lessening the fees in question must be almost nominal, and not sufficient, therefore, to justify an exception to the general rule, that the fees should not be calculated on a greater amount than 20l.

*Appraisement Fee to be continued, but Appraisement conducted differently.*—The fees of the third class are those payable in respect of appraisements on executions under the 9 & 10 Vict. c. 95. Where an appraisement takes place on an execution, the appraiser is entitled to 6d. in the pound on the value of the goods for the appraisement of them, besides the stamp duty; and in respect of advertisements, catalogues, sale and commission, and delivery of goods, 1s. in the pound on the net produce of the sale. A difference of opinion exists between some of the persons whom we have consulted as to the propriety of continuing this fee: some are of opinion that appraisement is a useless form; others that it is a useful and necessary check on the proceedings of the bailiff in enforcing executions.

Our judgment is in favour of the latter opinion; but we think that the appraisement ought to be rendered more efficient, by requiring the appraiser to affix a specific price to the different articles to be sold, instead of adopting the present mode, which is in general to put one total amount as the value of the whole property to be sold. By the mode which we propose the practice of selling goods at a sacrifice would be checked, and friends or relatives might be willing to purchase, for the benefit of the defendant or his family, certain articles which are now involved in one common valuation. No difficulty would arise in compelling the persons who act as appraisers to perform their duty in the way suggested, as by law those who act in that character are appointed by the high bailiff, with the written sanction of the judge.

*Distresses.*—Next, with respect to the fourth class of fees, which are receivable by the bailiff in respect of distresses made after notice of rent due, when executions are levied. By adopting the provisions of the 57 Geo. 3, c. 93, which now regulate those fees, injustice is done to the tenant where a small amount of rent is distrained for, and to the bailiff where a large amount is claimed.

*Fees to be calculated as on Executions.*—We think that the fees on distresses would be more properly calculated on the same scale as in executions. By adopting the principle applied in executions, the fee being



proportionate to the amount, the objections we have stated would be obviated.

*Alterations produce Increase of Revenue.*—From the inquiries we have made, we are led to believe that the alterations we have suggested in the existing fees would be productive of an increase of the revenue produced by the courts.

II.—Whether the amount of fees can properly be reduced.

*County Court should not be entirely self-supporting, but Fees sufficient to pay Clerks and High Bailiffs should be taken.*—We now proceed to consider a question which is preliminary, but essential to this branch of the inquiry—that is, whether the county courts should be self-supporting. We are of opinion that they should not. To compel the suitors to pay fees sufficient to support the establishment appears to us unjust in principle, as that which is for the benefit of the public should be supported by the public; but we fear that at present financial reasons will render it impracticable to reduce the fees in strict conformity with the principles we have enunciated. We think, therefore, that the suitors should pay an amount of contribution sufficient to remunerate the clerks and high bailiffs of the court, and that all other expenses of the establishment, such as judges' salaries, buildings, stationery, and other matters, should be borne by the public revenue.

*Proposed Scale adopts Progression of existing one, and abolishes or modifies certain Fees.*—We have prepared a scale relating to the first and second class of fees, which, assuming the present amount of business of the courts to continue, will produce a sum equal to the present amount of remuneration received by the officers we have mentioned.

In the scale we propose, the general principle of the existing scale, so far as the gradual increase in proportion to the amount of demand is concerned, is adopted.

The fees which we propose to abolish or modify are as follows:—

#### FEE ANNUM.

First, to abolish the general fund fee, which will have the effect of relieving the suitors to the extent of .	£37,000 0 0
Secondly, to modify the hearing fee, where the parties consent to a judgment. At present the fee payable on a judgment to which the defendant consents is the same in amount as that payable on a judgment where the claim has been disputed and the cause tried. We propose to reduce that fee from 2s. 3d. in the pound, the fee now paid, to 1s. in the pound on the amount of the claim. This would relieve such suitors to the amount of about ... ..	18,000 0 0
Thirdly, to abolish the fees on payment of money into and out of court, and on notice of payment into court, now producing the sum of about ...	14,000 0 0
Fourthly, to discontinue the bailiff's mileage fee on serving and executing process. This fee produces about ...	15,000 0 0
Fifthly, to discontinue the bailiff's mileage fee on conveying defaulting parties to prison. That fee now produces about ... ..	4,000 0 0

The bailiff, we propose, should be paid, in proportion to the distance travelled by him in serving or executing process, or conveying committed parties, out of the fund which the remaining fees produce, in the manner already suggested.

Sixthly, to abolish the fees on issuing a judgment summons, which now produce about ... ..	4,500 0 0
Fees on the hearing of the same ... ..	4,500 0 0
Fees on new trials ... ..	200 0 0
Fees on special defences ... ..	500 0 0
Fees on adjournments, which now produce about ... ..	1,200 0 0
Fees on subpoenas ... ..	2,200 0 0
Fees on applications for leave to sue out of the district ... ..	2,000 0 0
Fees to the high bailiff for issuing warrant to the clerk of another court ... ..	700 0 0
Seventhly, we further recommend that the summons and service fees, together amounting to 8d. in the pound, should be reduced to 6d.; and the hearing and service of order fees, together amounting to 2s. 3d. in the pound, should be reduced to 2s. This will have the effect of diminishing the produce of these fees by about .	21,000 0 0
	£124,800 0 0

*Proposed Scale relieves Suitors to Extent of about One-half of present Revenue.*—The total of the sums produced annually by the fees which we propose to discontinue or reduce is rather less than one-half of the present annual amount (253,518*l.*) levied on suitors.

*But not interfere with Bailiffs' and Appraisers' Fees.*—With the third and fourth classes of fees, which are received by the bailiffs and appraisers, we do not propose to interfere, except by the alterations already suggested.

*Insolvency and Protection Fees to remain as they are.*—The fees in insolvency and protection cases are of a special and occasional nature, and therefore cannot conveniently be made part of a general scheme of fees of court. Besides, the duties performed by the officers are in many respects of a nature different from those devolving on them in other matters. When we consider the jurisdiction in insolvency and protection cases, it may probably be found desirable to modify the present scale, and to define more strictly the fees to be taken.

The payment of 5s. to the jury we propose should continue.

With the above-suggested modifications and diminutions, the following will be the proposed

#### TABLE OF FEES to be taken in the County Courts established by the 9 & 10 Vict. c. 95.

For every plaint, 6d. in the pound on the amount of the demand.

*Notice.*—No other fee whatever is to be taken on the entry of a plaint.

Judgments by consent under the 13 & 14 Vict. c. 61, ss. 8, 9, and judgments by default, 1s. in the pound on the amount of the demand.

For every hearing, 2s. in the pound on the amount of the demand.

*Notice.*—No other fee whatever is to be taken for the hearing or trial of a cause.

For issuing any warrant against the body or goods, 1s. 6d. in the pound on the amount for which such warrant issues.

For application for new trial, or to set aside proceedings, 6d. in the pound on the amount of the demand.

*Notice.*—No other fees than the above to be taken on any account whatever. No increase of fees shall be made by reason of there being more than one plaintiff or defendant.

(To be continued).

don, aud. ac.—*Thomas Bain and John Cowan*, Madras, East Indies, merchants, July 21 at 11, London, aud. ac.—*Thomas Bell*, Jarrow, Durham, alkali manufacturer, July 20 at 12, Newcastle-upon-Tyne, aud. ac.—*W. Aspdin and A. W. Ord*, Gateshead, and New Wharf, Little Abingdon-street, Westminster, cement manufacturers, July 20 at 11, Newcastle-upon-Tyne, aud. ac.—*H. Peaty*, Bristol, grocer, July 26 at 11, Bristol, aud. ac.; July 31, div.—*M. Evans*, Aberdare, Glamorgan-shire, grocer, July 26 at 11, Bristol, aud. ac.—*G. Stratton*, Chester, tavern-keeper, July 23 at 12, Manchester, aud. ac.—*John Heap* the younger, Manchester, merchant, July 23 at 12, Manchester, aud. ac.—*Harry Winton*, *Henry John Langridge Winton*, and *Edwin William Winton*, Birmingham, agricultural implement makers, Aug. 2 at 11, Birmingham, aud. ac. and div.—*Charles Warwick*, Highbury-place, Islington, warehouseman, July 31 at 11, London, div.—*Jas. Sieyer*, Stratford, Essex, grocer, Aug. 1 at 1, London, div.—*John Lowther Ward*, Fullege, Burnley-wood, Lancashire, cotton-spinner, July 31 at 12, Manchester, div.—*Edward Jackson and Eugene Clarke*, Manchester, wholesale milliners, Aug. 1 at 12, Manchester, div.—*Thomas Dawber*, Manchester, calico printer, Aug. 2 at 12, Manchester, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Thomas John*, Aberdare, Glamorgan-shire, butcher, Aug. 6 at 11, Bristol.—*John Norrish Greenslade*, Nethercott Farm, Oxford, Devonshire, farmer, Aug. 2 at 11, Exeter.—*Thomas Hake*, Exeter, furrier, Aug. 2 at 1, Exeter.—*John Arendt Hagenstedt*, Kingston-upon-Hull, licensed victualler, Aug. 1 at 12, Kingston-upon-Hull.—*Thomas Spurrier*, Walsall, Staffordshire, maltster, Aug. 2 at half-past 11, Birmingham.—*Frederick Dawson Hiorns*, Coventry, ironmonger, Aug. 2 at 11, Birmingham.—*Peregrine Joyce*, Worcester, commission agent, Aug. 2 at half-past 11, Birmingham.—*Thomas Meddings*, Chadwell-court Mill, Staffordshire, miller, Aug. 2 at half-past 11, Birmingham.

To be granted, unless an appeal be duly entered.

*Michael Jones*, Oxford-street, grocer.—*John James Parker*, Greenwich, bricklayer.—*Henry Gladwell Mortimer*, Lee, Kent, builder.—*Richard Pophiss and George Melior*, Ham Wharf, Brentford, timber merchants.—*James Holmes*, Lancaster, builder.—*Joseph Bell*, Little Bolton, Lancashire, cotton spinner.—*Betty Worsley and James Heya*, Helmsboro, near Haslingden, Lancashire, cotton manufacturers.—*Michael Wood*, Openshaw, Lancashire, boiler maker.

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# SIXTEENTH REPORT OF THE UNION BANK OF LONDON.

## PRESENT.

Sir PETER LAURIE, Alderman, Governor, in the Chair.  
W. M. NURSE, Esq., Deputy Governor.

## DIRECTORS.

John Barnes, Esq.  
James Farquhar, Esq.  
Peter Northall Laurie, Esq.  
Charles Lyall, Esq.  
John Chapman, Esq.  
Henry Hulbert, Esq.

Archibald Boyd, Esq.  
Colonel Thomas Matheson.  
John Scott, Esq.  
Leo Schuster, Esq.  
Sir John Musgrave, Bart., Ald.  
William Scott Blauy, Esq.

And Ninety-four Proprietors.

At a GENERAL MEETING of the PROPRIETORS, held at the Court-room of the Banking House, 2, Princes-street, Mansion-house, on Wednesday, the 11th of July, 1855, the following REPORT was read by the Secretary:—

The Directors have the pleasure of presenting their Sixteenth Annual Report of the affairs of the Bank, from which it will be seen, that after deducting all current expenses, including the sum of 142,092*l.* 1*s.* 1*d.* paid and due to customers for interest on their Current and Deposit Accounts, the net Profits of the year ending the 30th June last amount to 139,967*l.* 9*s.* 10*d.*

The Directors have much satisfaction in declaring a Dividend for the last Six Months of 5 per cent., and a Bonus of 7½ per cent., making, with the Dividend and Bonus paid in January last, 20 per cent. for the past year, viz. 10 per cent. Dividend, and 10 per cent. Bonus clear of Income Tax.

After payment of the Dividend and Bonus for the year, amounting to 119,511*l.* 7*s.* 6*d.*, there will remain an unappropriated Surplus Profit of 20,456*l.* 2*s.* 4*d.*, to be carried to the credit of Profit and Loss New Account, for Rebate of Interest on Bills not yet due, Income Tax, &c.

Gratifying as it is to the Directors to be able to declare so large a Bonus in addition to the Annual Dividend of 10 per cent., the Proprietors must bear in mind that this great amount of profit does not arise wholly from the increase of business during the past year, (large as that increase has been), but that the high rate at which money ruled during the greater part of the last twelve months has also materially contributed to this result. The amount, therefore, of the future Bonus must be dependent in a great degree on the state of the Money Market.

In conformity with the announcement made at the last Annual Meeting, the Reserved Shares were issued in July, 1854, at a premium of 5*l.* per Share, producing the sum of 261,680*l.*; of this amount 177,100*l.* have been added to the Capital, which now amounts to 600,000*l.*; and the additional sum of 84,580*l.*, arising from such Premium, has been appropriated by adding 70,000*l.* to the Reserved Fund, now amounting to 120,000*l.*; by the entire liquidation of the preliminary expenses, amounting to 8500*l.*; and by carrying the balance of 6080*l.* to the part payment of the extension of the premises at this Office and at the Regent-street Branch.

For some years past the Directors have been urged by influential members of the Legal Profession to open a Branch in the neighbourhood of the Inns of Court, but the reluctance which they have felt to multiply Branches induced them to postpone the adoption of such a course. The suggestion having been again pressed upon the Directors in consequence of recent events, they have established a Branch near Temple-bar, which holds out every prospect that the security afforded by the Joint-stock principle, and the advantages offered by the terms of this Bank, will be duly appreciated in that locality.

In pursuance of the provisions of the Deed of Settlement, the following Directors retire by rotation, viz.—

HENRY HULBERT, Esq.,  
COLONEL THOMAS MATHESON, and  
ARCHIBALD BOYD, Esq.,

but, being eligible, they offer themselves, and are recommended by the Court, for re-election.

THE UNION BANK OF LONDON, 30th June, 1855.

Dr.	LIABILITIES.	£ s. d.	ASSETS.	£ s. d.	Cr.
Paid-up Capital, 10 <i>l.</i> per share on 60,000 shares ..	600,000 0 0		Cash in the Bank, in the Bank of England, Exche- quer-bills, and other Govern- ment securities, loans, bills dis- counted, &c. ....	8,992,900 12 3	
Due by the Bank on current ac- counts, deposit receipts, (includ- ing interest ac- crued), circular notes, &c. ....	8,363,460 18 8		60,000 <i>l.</i> Bank Stock (taken at 200 <i>l.</i> , present value being 210 <i>l.</i> ) Re- served Fund ....	120,000 0 0	
Reserved Fund, in- vested in Bank of England Stock, as per contra ...	120,000 0 0		Bank premises, consisting of freehold build- ings in Princes- street, Mansion- house-street, and Argyll-place; and lease and fixtures of 4, Pall-mall East .....	66,016 8 9	
	0,063,460 18 8		Half-year's Divi- dend and Bonus, to the 31st Dec., 1854, Amount carried forward ..	44,511 7 6	
Surplus profit ..	139,967 9 10				
	£9,223,428 8 6			£9,223,428 8 6	

## APPROPRIATION OF THE SURPLUS.

Dividends on paid-up Capital, viz.:	£ s. d.	Profit, as above, after deducting all expenses paid or due, and interest (142,092 <i>l.</i> 1 <i>s.</i> 1 <i>d.</i> ) allowed to cus- tomers on their current and de- posit accounts ..	£ s. d.
Half-year, to 31st Dec., 1854, al- ready paid at 5 <i>l.</i> per cent. ....	29,674 5 0		
Bonus, at 2½ 10 <i>s.</i> per cent. ....	14,837 2 6		
Half-year, to 30th June, 1855, now declared at 5 <i>l.</i> per cent. ....	30,000 0 0		
Bonus, at 7½ 10 <i>s.</i> per cent. ....	45,000 0 0		
	119,511 7 6		
Undivided Profit— carried to Profit and Loss New Ac- count, for rebate of interest on bills not yet due, Income- tax, &c. ....	20,456 2 4		
	£139,967 9 10		£139,967 9 10

The Governor then declared a Dividend for the past Half Year of 5 per cent., and a Bonus of 7½ per cent., making, with the Dividend and Bonus paid in January last, 20 per cent. per annum on the paid-up Capital of the Company, clear of Income Tax.

It was resolved unanimously—

That the Report now read be received, approved, and printed for circulation among the Proprietors.

That Henry Hulbert, Esq., be re-elected a Director of the Bank.  
That Colonel Thomas Matheson be re-elected a Director of the Bank.  
That Archibald Boyd, Esq., be re-elected a Director of the Bank.

That the best thanks of the Meeting be given to the Directors for the very successful manner in which they have conducted the business of the Bank.

That the thanks of the Meeting be given to Mr. W. W. Scrimgeour, the General Manager; Mr. Barton, Chief Assistant Manager; Mr. H. T. Clack, the Manager of the Regent-street Branch; Mr. Wight, the Manager of the Charing-cross Branch; and to Mr. Walter Laurie, the Secretary, for the very efficient manner in which they have discharged their several duties.

(Signed) P. LAURIE, Governor.

That the thanks of the Meeting be given to Sir Peter Laurie, the Governor, for his able and courteous conduct in the Chair.

(Signed) W. M. NURSE, Deputy-Governor.

Extracted from the Minutes.

W. LAURIE, Secretary.

N. B.—The Dividend for the past half year and the Bonus will be payable on and after Friday, the 20th instant.

## UNION BANK OF LONDON.

Principal Office—2, Princes-street, Mansion-house.  
Regent-street Branch Office—Argyll-place  
Charing-cross Branch Office—4, Pall-mall East.  
Temple-bar Branch Office—200, Fleet-street.

The Capital of the Bank is 3,000,000*l.* sterling, in 60,000 shares of 50*l.* each, (on which 10*l.* has been paid), held by upwards of 750 Proprietors, whose names are published periodically.

### TERMS.

CURRENT ACCOUNTS.—These will be made up to the 30th of June and 31st of December in each year, and if the balance shall not at any time during the half year have been below 300*l.*, interest at the rate of 2½ per cent. will be allowed on the minimum monthly balances. If not below 200*l.*, interest at the rate of 1½ per cent. will be allowed on the minimum monthly balances; and if below 200*l.*, no interest will be allowed.

DEPOSIT ACCOUNTS.—The rate of interest allowed on money placed on deposit at ten days' notice (whether by customers or the public generally) will be 1½ per cent. under the Bank of England rate of discount for first-class bills, rising and falling therewith, but the maximum not to exceed 5½ per cent. Receipts for the sums so deposited will be granted, or, for the convenience of depositors going abroad, bills or promissory notes, if at not less than six months' date, including interest till maturity, will be issued.

At the expiration of the ten days' notice of withdrawal of a deposit without the amount being withdrawn, the interest will cease, unless the depositor expresses his wish to continue the deposit subject to further notice.

### GENERAL BUSINESS.

The Agency of Country and Foreign Banks, whether Joint Stock or Private.

Circular Notes and Letters of Credit issued for all parts of the Continent of Europe and elsewhere.

Purchases and Sales effected in all the British and Foreign Stocks and Securities, and the dividends received without charge.

The Half-pay, &c. of Officers, being customers, received without charge.

No fee or gratuity received by the Clerks of the Bank.

W. W. SCRIMGEOUR, General Manager.

Printed by HENRY HANSARD, at his Printing Office, in Parker Street, in the Parish of St. Giles-in-the-Fields, in the County of Middlesex; and Published at No. 3, CHANCERY LANE, in the Parish of St. Dunstan in the West, in the City of London, by HENRY SWEET, residing at No. 34, Portchester Terrace, Baywater, in the County of Middlesex.—Saturday, July 14, 1855.

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JULY 21, 1855.

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In some Offices the Assured may not be entitled to a Bonus until the expiration of ten years from the time of effecting the Policy, whilst in this Office three years is the utmost limit.

2. At the first division of Profits in May, 1853, a Reversionary Bonus, averaging 454. per cent., was declared on all Participating Policies. In some cases the Bonus exceeded 614. per cent. on the premiums paid.

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188 0 3	135 7 3
63 6 6	45 13 0
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139 8 1	100 10 0
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C. J. GILL, Secretary.

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## GAZETTES.—FRIDAY, July 13.

## BANKRUPTS.

**EDWARD TITCOMB**, Clewer, Berkshire, builder, July 26 and Aug. 24 at 11, London: Off. Ass. Cannan; Sols. Empson, 61, Moorgate-street; Hornidge, 11, Adam-street, Adelphi.—Pet. f. July 11.

**EDWARD OVER**, Barossa-terrace, Cambridge-road, Bethnal-green, dealer and chapman, July 21 at 12, and Aug. 24 at half-past 1, London: Off. Ass. Whitmore; Sol. Buchanan, 1, Guildhall-chambers, Basinghall-street.—Pet. f. July 11.

**ALBERT KING**, Chiswell-street, Finsbury, dealer and chapman, (trading under the style or firm of King & Co.), July 21 at 11, and Aug. 24 at half-past 1, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Pet. f. July 12.

**LOUIS DELORME**, Broad-street-buildings, dealer and chapman, July 25 and Aug. 22 at 12, London: Off. Ass. Graham; Sol. Hodgson, 17, Arbour-square, Stepney.—Pet. f. July 4.

**WILLIAM EDGHILL COLES**, Strand, dealer and chapman, July 23 at half-past 2, and Aug. 25 at 11, London: Off. Ass. Pennell; Sol. Chidley, 19, Gresham-street.—Pet. f. July 9.

**WILLIAM GRANT**, Brighton, newsvender, July 23 at 11, and Aug. 25 at 12, London: Off. Ass. Pennell; Sols. Cooper & Hodgson, 3, Verulam-buildings, Gray's-inn.—Pet. f. July 11.

**WILLIAM HENRY PATES**, Wallingford, Berkshire, dealer and chapman, July 23 at 1, and Sept. 1 at 12, London: Off. Ass. Nicholson; Sols. J. R. & C. Hedges, Wallingford; White & Sons, 11, Bedford-row.—Pet. f. July 10.

**JAMES EDWARD MITCHELL WILLIAMS**, Whitstable, Kent, apothecary, July 23 at 2, and Aug. 25 at half-past 11, London: Off. Ass. Nicholson; Sol. Brewer, 3, Philpot-lane.—Pet. f. July 9.

**THOMAS BARCLAY ARMSTRONG**, Mount-street, Grosvenor-square, and Carpenter-street, Mount-street, fishmonger, July 18 at half-past 12, and Aug. 18 at 11, London: Off. Ass. Nicholson; Sols. Nichols & Clarke, 9, Cook's-court, Lincoln's-inn.—Pet. f. July 5.

**CLARINDA KILNER**, Walsall, Staffordshire, dealer and chapwoman, July 25 at half-past 10, and Aug. 22 at half-past 10, Birmingham: Off. Ass. Christie; Sols. Thomas & Lewis, Tewkesbury; Hodgson, Birmingham.—Pet. d. July 11.

**EDWARD WHITAKER**, Walsall, Staffordshire, dealer and chapman, July 27 and Aug. 24 at 11, Birmingham: Off. Ass. Whitmore; Sols. Sale & Co., Manchester; Hodgson, Birmingham.—Pet. d. June 28.

**THOMAS HICKERY**, Bristol, dealer and chapman, July 27 and Aug. 21 at 11, Bristol: Off. Ass. Acraman; Sol. Harris, Bristol.—Pet. f. July 10.

**BRYAN HEBDEN**, Filey, Yorkshire, innkeeper, July 26 and Sept. 6 at 11, Leeds: Off. Ass. Young; Sols. Coulson, Scarborough; Bond & Barwick, Leeds.—Pet. d. July 5.

**WILLIAM MARSHALL and WILLIAM SMITH**, Sheffield, edge tool manufacturers, Aug. 4 at 10, and Sept. 1 at 12, Sheffield: Off. Ass. Brewin; Sol. Branstons, Sheffield.—Pet. d. July 7.

**WILLIAM WALTERS**, Chester, dealer and chapman, July 31 and Aug. 21 at 11, Liverpool: Off. Ass. Morgan; Sol. Greatley, Liverpool.—Pet. f. July 10.

## MEETINGS.

*Nicholas Mason Day and John Turner*, Bunhill-row, machine makers, July 26 at half-past 11, London, last ex. of *John Turner*.—*Wm. Parry*, Newtown, Montgomeryshire, tailor, July 25 at 11, Liverpool, last ex.—*Robert Robinson*, Manchester, provision dealer, July 25 at 11, Manchester, last ex.—*John Horrocks*, Salford, grocer, July 27 at 12, Manchester, last ex.—*Harriet Joseph*, Merthyr Tydvil, victualler, Aug. 14, Bristol, last ex.—*James Mathews and Jas. Edward Phillips*, Wood-street, Cheapside, warehousemen, July 26 at 11, London, and ac.—*Aug. 3 at half-past 1, div.*—*James Lord*, Edwards-terrace, Caledonian-road, Islington, colourman, July 26 at 11, London, and ac.—*M. Jones*, Oxford-st., grocer, July 26 at half-past 11, London, and ac.—*G. Roots*, Chatham, brickmaker, July 26 at 11, London, and ac.; Aug. 3 at 1,

*div.*—*Hermann Briebach*, Middlesex-street, Aldgate, and Mount-terrace, New-road, Whitechapel, baker, July 26 at 11, London, and ac.; Aug. 3 at 11, *div.*—*Rich. Bond*, Brighton, builder, July 26 at 11, London, and ac.; Aug. 3 at 2, *div.*—*Charles Fox*, Stafford-place, Pimlico, licensed victualler, July 26 at 11, London, and ac.—*Charles Warwick*, Highbury-place, Islington, and Cheapside, warehouseman, July 24 at 11, London, and ac.—*Joseph Brooks*, Bocking, Essex, wheelwright, July 24 at half-past 11, London, and ac.—*John Kennedy*, Aldergate-street, printer, July 24 at 11, London, and ac.—*Edward Laurence Kyle*, Reading, Berkshire, licensed victualler, July 23 at 11, London, and ac.—*Geo. Frederick Lilliecrap*, Bishopsgate-street Without, grocer, July 23 at 11, London, and ac.—*Wm. Salmon Rolin and Thomas Bateley Rolin*, King's Lynn, Norfolk, ship builders, July 25 at 11, London, and ac.—*Wm. Lister*, Great Queen-street, Lincoln's-inn-fields, jewel-case maker, July 23 at 11, London, and ac.—*George Cooper Rouse*, Dovercourt, Essex, grocer, July 25 at 11, London, and ac.—*Matthew Richmond Steele*, Leicester, linendraper, July 25 at 11, London, and ac.—*Wm. Riddell and Mead Terrey Raymond*, Sherborne-lane, merchants, July 25 at 11, London, and ac.—*Wm. Guest*, Manchester, commission agent, July 27 at 12, Manchester, and ac.—*Thomas Barnsley*, Ashton-under-Lyne, tailor, July 27 at 12, Manchester, and ac.—*Edward Jackson and Eugene Clarke*, Manchester, wholesale milliners, July 25 at 12, Manchester, and ac.—*John Lowther Ward*, Burnley, Lancashire, cotton spinner, July 24 at 12, Manchester, and ac.—*Walter Graham*, Blackburn, Lancashire, draper, July 24 at 12, Manchester, and ac.; Aug. 7 at 12, *div.*—*Samuel Thomas Sleggett*, Devonport, linendraper, Aug. 6 at 1, Plymouth, and ac. and *div.*—*John Jones Kingdon*, Ridgway, Plympton St. Mary, Devonshire, saddler, Aug. 6 at 1, Plymouth, and ac. and *div.*—*John Seymour Hart*, Liverpool, tailor, July 26 at 11, Liverpool, and ac.—*Thomas Sephton*, Prescot, Lancashire, licensed victualler, July 26 at 11, Liverpool, and ac.—*John Etheridge and George Monck Berkley Michell*, Liverpool, insurance brokers, July 25 at 11, Liverpool, and ac. sep. est. of *John Etheridge*.—*Joak Carver and Wm. Carver*, Halifax, machine makers, July 26 at 11, Leeds, and ac.—*Robert Hammond*, Ripon, builder, July 26 at 11, Leeds, and ac.—*Thomas Carey Willard Pierce*, Manchester, merchant, Aug. 3 at 12, Manchester, *div.*—*William Henry Hayward*, Devonport, tallow-chandler, Aug. 6 at 1, Plymouth, *div.*—*Timothy Bourne*, Liverpool, Aug. 3 at 11, Liverpool, *div.*—*Sampson Langdale, John Eytton, and Masta Joscelin Cook*, Newcastle-upon-Tyne, merchants, Aug. 7 at 1, Newcastle-upon-Tyne, *fin. div.*—*John Watson and Robert Young Watson*, Sunderland, ship builders, Aug. 7 at 11, Newcastle-upon-Tyne, *fin. div.*—*John Robinson*, Hexham, Northumberland, carrier, Aug. 7 at half-past 11, Newcastle-upon-Tyne, *fin. div.*—*John Fittes and Robert Fittes*, Newcastle-upon-Tyne, and Gateshead, tea-dealers, Aug. 9 at 11, Newcastle-upon-Tyne, *fin. div.*

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*William Harding*, Great Saffron-hill, Holborn, baker, Aug. 3 at 11, London.—*William Fitch*, Old Fish-street-hill, Upper Thames-street, wholesale stationer, Aug. 4 at 12, London.—*David Davies* the younger, Neath, Glamorgan-shire, railway contractor, Aug. 7 at 11, Bristol.—*James Sims*, Blakeney, Gloucestershire, tailor, Aug. 7 at 11, Bristol.—*Wm. Tombs*, Wolverhampton, plumber, Aug. 6 at half-past 10, Birmingham.—*William Butcher*, Lichfield, coach-builder, Aug. 6 at half-past 10, Birmingham.

*To be granted, unless an appeal be duly entered.*

*William Randall Berrett*, Folkestone, Kent, ironmonger.—*Wm. Wright*, Maldon, Essex, linendraper.—*Edwin Orpin*, Brighton, builder.—*Samuel Perkes*, Vulcan-wharf, Earl-street, Blackfriars, engineer.—*Herbert Wyatt*, Charlwood-street, Pimlico, gentleman, *Thomas Dickens*, Henry-street, Upper Kennington-lane, Surrey, engineer, and *Daniel Edwin Austin*, Copthall-court, solicitor, Pilgrim-street, Kennington, chimney piece manufacturers.—*James Gartrell Fize*, Exeter, bookseller.—*William Henry Hayward*, Devonport, tallow-chandler.—*John Jones Kingdon*, Ridgway, Plympton St. Mary, Devonshire, saddler.—*James Smith and John Holmes*, Denholme, Bradford, Yorkshire, worsted manufacturers.—*Samuel Harris Arncliffe*, Almondsbury, Yorkshire, surgeon.—*Josiah*

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## THE JURIST.

LONDON, JULY 21, 1855.

THE important question, how far the declarations of a deceased tenant, derogating from the title of the landlord, are admissible in evidence against the latter, was recently discussed in the case of *Papendick v. Bridgewater*, (1 Jur., N. S., part 1, p. 657). That was an action for driving the plaintiff's sheep off a common, and the point in issue was, whether the plaintiff was entitled to right of common in respect of his farm. It appeared that this farm had been occupied from 1791 until 1816 by a tenant named Clement Probert, since deceased, and that during his tenancy, and a few years before it, the sheep of the farm used the common. The defendant then sought to give in evidence a declaration made by Probert, to the effect that he had no right to depasture the sheep on such common. This evidence was offered on the ground that it was a declaration against the interest of the party making it, and consequently admissible against the reversioner and all the world. Crompton, J., however, rejected the declaration, on the ground that it did not accompany any act; and this ruling was subsequently upheld by the Court of Queen's Bench.

In order to arrive at this result it was necessary to overrule the case of *Walker v. Broadstock*, (1 Esp. 458), in which Thompson, B., received a tenant's declaration, that he had no right of common, as evidence against the reversioner.

This case being removed, both principle and authority were in favour of the ultimate decision of the Court. It would be extremely dangerous to allow a tenant by his mere declarations to affect the property of others, to cut down the estate, to deprive it of an

easement or profit, or to impose a servitude upon it. "Declarations of deceased persons," said Lord Campbell, C. J., "when admitted in evidence, are exceptions from the general rules of evidence, because they are not on oath, and are not tested by cross-examination. . . . This declaration did not relate to a matter of reputation, nor was it sought to be admitted on the supposition that there was privity of estate, because the tenant is not privy in estate to the reversioner; where there is privity of estate, it would be receivable, whether the declarant were alive or dead. It was powerfully argued that any declaration of a deceased person on a subject with which he is acquainted, if contrary to the interest of the declarant, is evidence against all the world. That is true as an exception to the general rule; but to that exception there is an exception, that we cannot admit a declaration by a tenant which derogates from the title of the landlord under whom he claims." Erle, J., strictly limited his judgment to the facts then before the Court. "I carefully distinguish the declaration in question," said that learned judge, "from a declaration accompanying an act of user, or an act of interruption. The declaration rejected was a declaration as to the abstract right. This does not come within any of the exceptions which have been introduced for general convenience, such as entries made in the discharge of legal duty, as in *Furdon v. Clogg*, (10 M. & W. 572), or in the course of business; or, what is more apposite, declarations binding privies, or declarations of occupiers presumed *prima facie* to be owners, and tending to diminish their *prima facie* estate in fee, by shewing under whom they held, and upon what terms." With regard to declarations against interest being evidence against all the world, his Lordship expressed an opinion that the language used to that effect in some of the decisions should be

limited to the class of cases in which the declarant has a pecuniary or proprietary interest. (See *The Sussex Peerage case*, 11 Cl. & Fin. 85).

The previous authorities upon the subject are to the same effect. Thus a declaration by a tenant, that he was not entitled to use a right of way except by permission, was rejected as evidence against the reversioner by Patteson, J., in *Tickle v. Brown*, (4 Ad. & El. 369, 373). So was a declaration that the land was subject to an easement, or that there was a public way over it; (*Scholes v. Chadwick*, 2 Moo. & R. 507; *Reg. v. Bliss*, 7 Ad. & El. 556); and even acts of acquiescence on the part of the tenant have been held inadmissible as against the landlord. (*Daniel v. North*, 11 East, 372; *Wood v. Veal*, 5 B. & Al. 454).

This subject is further discussed, and the cases upon it collected, in the notes to *Higham v. Ridgway*, (2 Smith's L. C. 183, 196 a); Best's Prin. Ev. 577, 2nd ed.; and Tayl. Ev. 545, 2nd ed.

We may here notice a question which we have heard mooted, whether the statute removing interest as a ground of incompetency on the part of living witnesses has effected any alteration with regard to the declarations of deceased persons against interest. We apprehend that it has not, because it is still an objection to the credibility of testimony. The reason why the declaration of a deceased person, made against interest, is admitted, is because of the probability of its being credible; and the tendency of the Courts is to restrain the existing exceptions on this subject within their old boundaries. It may also be observed, that it is not necessary, in order that declarations against interest should be received in evidence, that the declarant should have been competent, if living, to testify to the facts mentioned in the declaration. (*Gleadow v. Atkin*, 1 Cr. & M. 410, 423, 424; *Short v. Lee*, 2 J. & W. 489).

#### NOTES OF THE WEEK.

A bust of the late Mr. Justice Talfourd has just been placed in the Crown Court, Stafford. The base of the monumental tablet in which it is placed bears the following inscription:—

"On the Judgment-seat of this Court,  
While addressing the Grand Jury,  
ON MARCH XIII, MDCCCLIV,  
DIED

SIR THOMAS NOON TALFOURD, Knt., D.C.L.,  
One of the Judges of the Court of Common Pleas,  
An accomplished Orator, Lawyer, and Poet.

The Members of the Oxford Circuit  
Erected this Memorial  
Of their regard and admiration  
For their former leader, companion, and friend."

Mr. Arnold, the magistrate, has decided, as our readers might have expected, that the mere breaking of windows during the recent Sunday riots was not the offence contemplated by stat. 7 & 8 Geo. 4, c. 31, which enables parties to claim against the hundred for damage done. The riot must be of a felonious character—e.g. involving the demolition, or commencement of the demolition, of a house. In the latter case there must be an intent to demolish the whole dwelling. (See stats. 7 & 8 Geo. 4, c. 30, s. 8, and 4 & 5 Vict. c. 56, s. 2; *Reg. v. Howell*, 9 Car. & P. 437; and *Reg. v. Thomas*, 4 Car. & P. 337).

The following is a list of the total number of criminals committed in England and Wales, (and not bailed), for crimes triable only at the assizes, during the months of January, April, May, June, September, October, November, and December, in 1854:—

Home Circuit	...	...	...	...	78
Midland	...	...	...	...	157
Norfolk	...	...	...	...	61
Northern	...	...	...	...	144
Oxford	...	...	...	...	161
Western	...	...	...	...	120
North Wales and Chester	...	...	...	...	72
South Wales and Chester	...	...	...	...	9
					<hr/> 802

The months omitted are February and March, and July and August, during which the assizes are held. A winter assize is also held at York and Liverpool.

The Right Hon. J. A. Stuart Wortley, (Recorder of London), R. B. Armstrong, Esq., (Recorder of Manchester), and Gilbert Henderson, Esq., (Recorder of Liverpool), have been appointed commissioners for inquiring into the Hyde Park disturbance on Sunday, the 1st instant, and the conduct of the metropolitan police in connexion therewith. The learned commissioners have been sitting during this week in the Court of Exchequer at Westminster.

#### THE NEW JUDGE.

[From "The Examiner."]

A more praiseworthy judicial appointment has seldom been made than that of Mr. James S. Willes to the seat in the Common Pleas vacated by Mr. Justice Maule's retirement.

It may be said (nor in a majority of cases would it be said unfairly) that lawyers of eminence by whom Ministers have been served, who have undergone contested elections, made considerable personal sacrifices, and obtained distinction in Parliament, have the strongest possible title to consideration when the prizes of the Profession fall vacant. For the most part this undoubtedly is so; and where two men are equal in fitness, every rule of sense and feeling should secure precedence for the claim which rests also on party fidelity and public service. But no question of that kind can be raised here. Such is the position of Mr. Willes that the excellence of his appointment turns on the very absence of what, in other circumstances, might have operated to commend it strongly.

It is generally admitted, we believe, that a more striking example of an instinctive aptitude or genius for the law has rarely presented itself in Westminster Hall: it was not simply that a most complete knowledge of cases was early mastered, and applied in practice with astonishing subtlety and success, but that the higher knowledge of principles went hand in hand with those rare and profound acquirements. Lord Tenterden's self-selected motto, "labore," expressed with characteristic simplicity what that great lawyer held to be the source of his elevation; but it would express only partially what the new judge had displayed in a comparatively brief career at the Bar. Mr. Willes had become known for qualities incomparably higher than mere case knowledge or unwearied research, when he was placed five years ago on the Common-law Commission.

The services he rendered in that capacity would alone, in our judgment, have entitled him to the position he has now attained. With nothing of the genius of an orator, he possesses the power and capacity of a legislator. To him we are mainly indebted for suggestions that have overthrown during the last few years, to the inexpressible relief of the poor suitor, the



clumsier and more intolerable parts of the monstrous fabric of special pleading. To all the recent improvements in common-law procedure he has largely contributed by his labours on that commission; and we suspect that not a few absurd distinctions between the practice at common law and at equity would by this time have gone the way of other similar follies if all his suggestions then made had been equally successful.

Such a man, so capable, so learned, and with such dispositions, will be invaluable on the Bench; and it is greatly to the honour of Lord Cranworth that he should have set before the Bar an example, so little open to question, of an appointment dictated only by a regard for the public service. The qualities which the Chancellor has had the best means of testing in the new judge are of a higher kind than those which Mr. Willes has had the opportunity himself of most familiarising to the great body of the Profession, but it is in the union of both we find the rare and conspicuous merit of his appointment. Nor is it less honourable to the Profession itself than to the Chancellor that the elevation to a seat in the Common Pleas of a young man of forty, without anything showy or superficially attractive in his talents, and who had not even sought the dignity of a silk gown, should find such general and cordial approval in Westminster Hall.

The truth is, that it is a promotion too manifestly made on the exclusive ground of merit to admit of any fair objection. With nothing to attach him to either party in the State, with only learning and labour to attract influential friends, within a few years utterly unknown, Mr. Willes has forced his way by sheer ability, and been the unaided architect of his own fortune. He is an Irishman, and so entirely was he without influence or connexion in England, that he would have returned to Dublin seventeen years ago, when he had qualified for his call to the Irish Bar, but for the earnest remonstrance of the distinguished pleader Mr. Chitty, in whose chambers he was then a pupil. He had graduated at Trinity College with great distinction in 1835, and the next five years were passed in Dublin and London alternately, in the chambers of Mr. Chitty or those of Mr. Collins, an Irish barrister of considerable eminence. His course was not decisively taken till June, 1840, when he was called to the English Bar; and perhaps no man ever achieved so rapidly a first-rate practice of so important a kind. Not that the popular impression in this respect is at all the true one, which tells you that great lawyers are wont to starve in their youth, and only to become famous when their wigs cover grey hairs; for the rule rather is, that if a lawyer fails as a young man, he will very rarely indeed succeed as an old one. But it was not merely a large practice speedily obtained in Mr. Willes's case, but a practice in cases of the weightiest kind. Few great questions of mercantile law have been mooted for the last thirteen years without his services on one side or the other, and indeed few have been the important cases of any kind—so sudden and universal became the recognition of his acute judgment and profound acquaintance with the common law—on which some person concerned has not sought his opinion. No elevation to the Bench of a man at once so young and in such extensive practice has taken place since the days of Judge Buller.

Nor is there anything in this admirable appointment of Lord Cranworth's on which the public should be more congratulated than that fact of Mr. Willes's youth. Even *ceteris paribus* there is a great advantage thus obtained. It has been too much the practice (one of the abominations of Lord Eldon, often imitated since) to put aged men to duties for which age is itself in a great measure the disqualification. It is a disadvantage not in every instance avoidable, and at this day we have too many judges who have passed into the decline of life; but the more should we welcome a case

like the present, where the choice falls on one not only able as the best, but both able and youthful. When a lawyer only works his way to the Bench by the time he is sixty, the fact that to entitle him to his pension he must hold the office fifteen years fastens him to his work till he becomes too infirm to perform it as befits his own reputation or the public service. Well is it, therefore, to take advantage of a rare example, when, by vast toil and admitted superiority, the foremost rank has been attained at a comparatively early age. Appointed judge at forty, Mr. Willes will continue, we trust, in the full vigour of his mind and body at the end of fifteen years, and may even then be able to defer for another decade all thought of retirement from his duties.

By such a selection no one will doubt that the public is a gainer. The Government of the day, too, is a gainer, by the credit it obtains for having given the right place to the right man, though he had neither courtly nor political connexions, and though to have passed him over would have started no popular objection. But most of all is his own profession the gainer; in the higher and simpler objects which a promotion on such disinterested grounds is likely to place before those who continue to contend for its prize.

### Reviews.

*A Treatise on the Law of Railways, Railway Companies, and Railway Investments. With an Appendix, containing all the Statutes, Precedents, &c. By WILLIAM HODGES, Esq., of the Inner Temple, Barrister-at-Law, Recorder of Poole. Second Edition. 1855. [Sweet.]*

THIS is a valuable contribution to what may be termed "railway literature," and treats fully of everything that can be required upon the subject by the legal practitioner.

The numerous and important decisions in law and equity since the first edition of the work have been carefully collected, digested, and interwoven with the original texture. The following is an analysis of the principal contents:—First, the statute law applicable to railways, including the formation of railway companies, the course of proceedings upon railway bills in Parliament, the constitution of railway companies and their powers, railway investments, powers to take or injuriously affect lands, compensation, the powers and obligations of railway companies to construct &c. works connected with railways, jurisdiction of the Board of Trade over railways, and obligations imposed by statute upon railway companies; secondly, the rights and liabilities of railway companies as carriers of goods and passengers; thirdly, mandamus and injunctions with respect to such companies; fourthly, the assessment of railways to the poor rate; and, fifthly, the dissolution of railway companies, and the rights of allottees to recover deposits. The Appendix contains the railway statutes at large, and forms of the proceedings in general use.

It may thus be seen at a glance how copious is the volume before us in matters of interest to the legal profession, and to that extensive class of the public who are connected more or less with the railway system of this country. But the author has expended his labours on no mean or petty object—a very giant was before him, and he has grappled with him manfully. After giving tables shewing the progress or retrogression in the construction of railways, the capital invested in them, and the traffic conducted upon them from 1842 to 1852, the author tells us that the grand total shews the outlay of capital to amount to 248,693,553*l.*, expended on 7338 miles of railway, being at the rate of 33,879*l.* per mile. We also learn from

the decennial tables that in 1842 the total capital invested in this wide field of enterprise was 52,380,100*l.*, but in 1852 it was no less than 239,967,453*l.* (See p. 45, note (c).) The gross traffic receipts for the United Kingdom in 1853 amounted to 16,706,194*l.* (Id.)

Questions connected with these vast schemes are almost of corresponding magnitude, and sometimes of corresponding complication and difficulty. Witness the fluctuating opinions as to the mode of assessment of railways to the poor rate—a branch of the law which has been said to be surrounded by difficulties in application all but insurmountable.

This question is ably and fully discussed by Mr. Hodges, (pp. 686—724), and he states the following as the result:—"The mode now adopted to ascertain the 'rateable value of a railway is, first, to ascertain the 'gross receipts of the line within the particular parish; 'and then, by making a series of elaborate calculations, 'endeavour to exhaust the proper deductions, so as to 'arrive at a sum which expresses the net rent which a 'tenant from year to year might be expected to give 'for the portion of the railway which is situate in the 'parish raising the rate." (P. 690).

We must content ourselves with one more extract, relating to the question, how far the vendee of shares is bound to procure himself to be registered as the holder, or to indemnify the vendor against calls made subsequently in respect of them. Upon this subject Mr. Hodges says, (p. 122), "If shares are sold, and the 'transfer signed by the vendor, but the vendee neglects to register it, so that the company are entitled 'to demand payment of calls made subsequently to the 'sale from the vendor, whose name remains on the 'register, a bill for specific performance of the contract 'may be maintained by the vendor to compel the vendee to register the transfer and pay the calls". The principle is, that when shares are sold, it must be taken to be part of the contract that the vendor should be indemnified by the purchaser from all liability in respect of subsequent calls made on the shares†.

"So, where certain railway shares were sold by auction, and the purchaser paid his purchase money, but did not take a transfer of the shares, and then sold to a third party, who refused to register himself as owner of the shares, and calls were made on the shares, which were left unpaid, it was held, that the original vendor was entitled to a decree for specific performance against the original purchaser‡. If, through the neglect of the purchaser of shares to register them, the vendor is compelled to pay calls, he cannot recover the money back as money paid to the defendant's use§; although, according to the doctrine laid down in *H'ynne v. Price*, an action on the case for not registering the shares could, it seems, be maintained||."

*A Manual of the Practice and Evidence in Actions and other Proceedings in the County Courts; with the Statutes and Rules.* By JAMES EDWARD DAVIS, Esq., of the Middle Temple, Barrister-at-Law. Second Edition. [Butterworths, 1855.]

MR. DAVIS has arranged his subject somewhat on the same plan as in Roscoe's *Nisi Prius*, and his book will

be found a very useful manual not only in county courts, but also in the superior tribunals. It commences with the proceedings and practice in actions in the county courts, from the plaint to the execution: this is followed by the general rules of evidence in actions, namely, the thing to be proved, oral evidence, documentary evidence, examination and cross-examination of witnesses, stamping documents at the trial, and amendments at the trial. We next have the evidence in particular actions, *ex contractu* and *ex delicto*, proceedings to recover possession of small tenements, and interpleader claims. The Appendix contains the statutes, and rules and orders relating to the subject.

Mr. Davis thus refers to the changes which have been effected in the law during the interval between the first and second editions of his work:—

"The provision enabling the parties to be examined as witnesses in the county courts has been extended, as the author prognosticated, to the superior courts, with, (he ventures to say), on the whole, very beneficial results: while the Common-law Procedure Act, 1854, (the 17 & 18 Vict. c. 125), has introduced alterations in the practice, on the trial of actions in all courts of civil judicature, of so extensive a character as to require the attention of every one engaged in the conduct of actions in the county courts, no less than in the superior courts. These new provisions accordingly have been fully treated of in the present work under the different heads of evidence, of handwriting and the proof of attested instruments, the examination, cross-examination, and contradiction of witnesses, and the stamping of documents at the trial.

"The Bankrupt-law Consolidation Act, and the provisions respecting compositions and arrangements by bankrupts and insolvents with their creditors, and the law as to bills of sale, among many other recent statutes, materially affect the rights and liabilities of suitors.

"Nor is it by reason of legislative enactments alone that a revision of the former edition became necessary. The Courts of law in the meantime have been occupied in defining the law and reviewing their former decisions in many branches. The evidence of part payment to take a debt out of the Statute of Limitations, the effect of giving a bill or note on account of a claim, and the liability of members of unincorporated companies, may be cited as practical points of almost daily occurrence, where reliance cannot now be placed on the older cases.

"An addition has been made to the original work by the introduction of the practice of the county courts from the commencement to the termination of suits. In giving a general view of the practice of the courts the author has merely yielded to a wish expressed by many purchasers of the former edition, and has had no desire to enter on a field already occupied by other labourers. Bearing in mind that this part of the work, at least, must be chiefly used by practitioners in the courts, who will consult it with a view to ascertain the nature of the claim or defence they may represent, and the proper tribunal and mode of proceeding in order to establish it, and who are comparatively indifferent to the original constitution of the court or the nature of the appointment of its officers, the author has arranged the proceedings, as far as possible, with reference to the steps to be taken by plaintiffs and defendants in the prosecution of their rights. Commencing with the jurisdiction of the county courts, and shewing when a plaintiff ought to sue in these courts, and when he has the option, without risk as to costs, of suing in the superior courts, the steps to be taken to sue out a summons are next considered. This is followed by a statement of the powers and duty of a defendant on service of the summons. The subsequent steps immediately before and at the

\* "*Shaw v. Fisher*, (2 De G. & S. 11); *Wynne v. Price*, (3 De G. & S. 311; 13 Jur. 295). It is said in this case that shares are sometimes sold on the Stock Exchange on the terms that the purchaser shall give a guarantee of registration; but Sir J. L. Knight Bruce, V. C., held, that the absence of such a stipulation made no difference.

† "*Jaques v. Chambers*, (4 Railw. Cas. 502, per Sir J. L. Knight Bruce, V. C.)

‡ "*Shaw v. Fisher*, (2 De G. & S. 11; 12 Jur. 152).

§ "*Sayles v. Blane*, (6 Railw. Cas. 79; 19 L. J., Q. B., 19).

|| "*See Humble v. Langston*, (7 M. & W. 517; 2 Railw. Cas. 533)."

trial, down to judgment and execution, are stated, as well as the incidental proceedings on an application for a new trial, and on appeal.

"While these pages have been passing through the press, the first report of the County Courts Commissioners has appeared. It is almost needless to say, that should the suggestions of the commissioners be carried into effect at some future period, they will affect the present work in a very trifling degree; for while the only new actions which the commissioners recommend to be placed within the jurisdiction of the county courts are actions for malicious prosecution, the present general jurisdiction of the courts in regard to the amount, cause of action, and situation of the parties, is left untouched."

## FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 288).

### FEES—(Continued).

#### *High Bailiff's Fees.*

For keeping possession of goods till sale, per day, (including expenses of removal, storage of goods, and all other expenses whatever), not exceeding five days, 6d. in the pound on the value of the goods seized. [This, however, does not apply to cases of interpleader, in which the costs and expenses of possession are to be in each case specially allowed by the judge, but which shall in no case exceed the costs incurred by the bailiff in keeping possession.]

*N.B.*—In cases within the ordinary jurisdiction of the court, the above-mentioned poundage and fees are to be taken; but where the sum demanded is above 20*l.*, the poundage is to be taken on 20*l.* only.

In all cases of jurisdiction conferred on the court in pursuance of the 13 & 14 Vict. c. 61, s. 17, the poundage is to be calculated as upon the amount of 20*l.*

All fractions of a pound, for the purpose of calculating the poundage, shall be treated as an entire pound.

Where the plaintiff recovers less than the amount of his claim, so as to reduce the scale of costs, the plaintiff to pay the difference.

The several fees payable on proceedings in replevin to be regulated on the above scale, by the value of the goods distrained, and on proceedings for the recovery of tenements, by the yearly, monthly, or weekly rent of the tenement, according to the letting or value of the tenement sought to be recovered; but in no case to exceed the fees payable on a demand of 20*l.*

In cases of interpleader, the summons shall be issued and the cause heard without the previous payment of any fees; but the costs of the summons and the poundage for the hearing shall be estimated on the value of the goods claimed, and shall be included in the general costs. The value of such goods, in case of dispute, shall be assessed by the judge, who, in his discretion, at the hearing, shall direct whether any and what costs shall be paid, and by and to whom.

Subpoenas to be issued gratis, but must be served by the parties or their agents.

*Mode of apportioning Fees.*—We propose that the fees, or sums in the name of fees, mentioned in the above table, (with the exception of the fees called "high bailiff's fees"), shall form a fund out of which the clerks and high bailiffs of the courts shall be paid the salaries and allowances hereafter suggested.

*Diminution recommended, though Business of Courts not increased.*—For the reasons we have already stated, we recommend the suggested diminution in the amount to be raised by fees, even though the business of the county courts should not be increased.

*Experience renders Deficit improbable.*—Judging, however, from experience, an increase of business, producing an increase of revenue, would probably be the result. Thus, a deficiency of 36,000*l.* on a revenue of 282,000*l.*, or one-seventh, was more than half supplied in 1851, in consequence, we have reason to believe, of the diminution in the amount of the fees, and more just and convenient mode of collecting them.

The Extension Act, 13 & 14 Vict. c. 61, and the existing scale, came into operation about the same time. An increase of revenue, to the amount of 36,000*l.*, produced by cases under the extended jurisdiction, was the result. Since then a variety of other acts of Parliament have passed, conferring new jurisdiction on the court, from which, as fees must be paid on the new business introduced into the court, a corresponding increase of revenue may be anticipated. The recommendations contained in our present report, if adopted, would also, to a certain extent, increase the jurisdiction, and, we believe, render the court a more efficient tribunal.

One advantage attending the scale we have last suggested would be the simplification of the accounts of the court. This would lead to some diminution in the expense of stationery, as well as considerable decrease in the labour of the clerks.

#### *Remuneration of Clerks and High Bailiffs.*

We now proceed to another important branch of our inquiry, which is as to the proper mode of remunerating the clerks and high bailiffs of the courts.

*Remuneration of Clerks and High Bailiffs not sufficient.*—At present, although every clerk and high bailiff receives a certain amount of compensation for his services, yet in a very large majority of instances such an amount of remuneration is not received as is calculated to secure the services of efficient officers.

*Mode of remunerating Clerks and High Bailiffs.*—This leads us to the consideration of a preliminary question, which has been much discussed, as to whether the clerks and high bailiffs should be paid by fees only, by salary only, or partly by salary and partly by fees.

*Clerks by Salary, subject to periodical Revision.*—We have come to the conclusion that it would be desirable that the clerks should be paid by salaries, and that such salaries should be subject to a periodical revision by the Treasury.

*High Bailiffs in same Manner, but also should have Mileage and Fees on Executions and Distresses.*—In the case of the high bailiff, however, the duties of his office are of so peculiar a description, and the efficient discharge of them so little under the immediate control of the judge, that we think a strong interest in the complete performance of his duties ought to exist. We think, therefore, that besides his salary, he should be allowed such remuneration in respect of mileage and executions as, with reference to the circumstances of each district, the Lords Commissioners of her Majesty's Treasury may from time to time direct.

First, with reference to the clerks.

*Principle of determining Amount of Salary.*—We propose that the clerk of each court in which the plaints entered do not exceed the number of 200 a year should have a salary of 60*l.* per annum, and that in courts where the plaints exceed 200 the salaries should be increased by sums of 5*l.* for every twenty-five plaints up to 1000 inclusive, and then by sums of 4*l.* for every twenty-five plaints up to 6000 inclusive; but in courts

where the complaints exceed that number, the amount of increased salary should be at the discretion of the Lords Commissioners of her Majesty's Treasury. Out of the salaries so appointed the clerk should be required to pay the salaries of the clerks he employs to assist him.

*Applicable to Clerks now on Salaries.*—With reference to those clerks who, as we have already stated, (ante, p. 180), have been placed by the Government on salaries varying from 500*l.* to 800*l.*, we recommend that the principle above stated should only be applied in remunerating their successors.

Secondly, with reference to the high bailiffs.

*Principle of determining Amount of Salary.*—We propose that their salaries should vary on the same principle as those of the clerks, but should only be one-fourth of the amount to which the clerk is entitled. This we think is a suitable proportion to preserve between the salaries of the two officers, having regard to their respective duties, and taking into consideration that they are to be additionally remunerated for executing warrants, and for mileage on the service of all process.

*Expense of Courts consequently increased.*—The expenditure of the county courts will, by the adoption of this scheme, be increased by about 30,000*l.* per annum beyond the present revenue.

*Scheme recommended, whatever Scale of Fees adopted.*—This scheme of salaries we think should be adopted, whether the existing fees, modified as we suggested in the former part of our remarks on the subject of fees, continue to be taken, or the table mentioned in the second part be introduced into the county courts.

The following table shews the effect of this scheme, by reference to the business done in the courts during the year 1853:—

[Here follows an elaborate table upon the subject.]

## VI.—COSTS.

### *Costs of Professional Assistance.*

Before we proceed to state our opinions on the subject of costs, it may be proper here to refer to the provisions of the 15 & 16 Vict. c. 54, s. 1.

*No Scale made under the 15 & 16 Vict. c. 54, s. 1.*—Previously to the passing of that statute much discussion had taken place in both Houses of Parliament on the subject of costs to be allowed to legal practitioners in the county courts. It was ultimately provided by that statute, that the Chancellor should be empowered to appoint five county court judges to prepare scales of costs, both between party and party, and between attorney and client. Those scales were to be submitted to three judges of the superior courts, of which a chief was to be one, and, when sanctioned by them, they were to regulate the costs to be taken in the county courts. Five county court judges were accordingly appointed, and they, after several communications and conferences on the subject with several of the law societies and individual legal practitioners, prepared scales of costs in conformity with what appeared to them to be the intentions of the Legislature. When submitted to the learned judges to whom these scales were referred, their Lordships doubted whether the language of the statute was sufficiently explicit to enable them to dispose of the subject in a satisfactory manner. No amending act was passed, and nothing further was done by the learned judges with reference to the scales. The law, therefore, on this subject remains as above stated, (ante, p. 282).

*Costs between Party and Party, and Attorney and Client.*—It appears, from the statement on this subject at the page referred to, that in the county courts, according to the present law, no costs are recoverable as costs in the cause between party and party, except

those which are specifically appointed in the statutes upon the subject; and that, as between attorney and client, no provision, with one exception, is made with respect to costs.

We propose to consider the question, first, with reference to costs between party and party; and, secondly, with reference to costs as between attorney and client.

I.—*With reference to Costs between Party and Party.*—That question may be treated, first, with respect to suits for sums not exceeding 20*l.*; secondly, for sums exceeding 20*l.*, and not exceeding 50*l.*; thirdly, claims under the consent clause, 13 & 14 Vict. c. 61, s. 17.

1. *With respect to Suits for Sums not exceeding 20*l.**—One of the objects which the Legislature had in view in establishing the county courts was to secure for the poorer suitors a cheap tribunal, in which they might state their own case before the judge, and obtain from him a prompt decision without the intervention of legal advisers. As a rule, in cases where the amount claimed is within the exclusive jurisdiction of the court, no professional assistance is required. The exceptions to this rule are few. To introduce the practice of allowing professional costs in all cases would be to alter a general rule for the sake of an exception. This appears to us impolitic. For a certain class of exceptional cases the Legislature has already provided in the section cited, by awarding a certain limited amount of costs to counsel and attorney, at the discretion of the judge.

*Present Scale to remain.*—We think that it would be inexpedient to increase the number of exceptions or allow a greater amount of professional costs than the Legislature already permits, or free the suitors from the exercise of the judge's discretion as to granting costs in those exceptional cases. It may be that the fees awarded by the statute are too small adequately to compensate legal practitioners in cases of real difficulty; but experience shews that the number of the cases belonging to this class, decided in the county courts, is extremely small, and we do not think it wise to endanger an important principle of the tribunal for the sake of a few exceptional cases.

2. *Where the Claim exceeds 20*l.*, but does not exceed 50*l.**—In these cases the county court ceases to be exclusively a "small debts court." It is then a court of jurisdiction concurrent with the superior courts.

The proceedings in the county court, being simple, local, and rapid, of course cannot require the establishment of a scale of costs to the same amount as that existing in the superior courts; but such a scale should be allowed as would, where professional assistance is requisite, reasonably compensate the legal practitioner.

We, therefore, think that an amount of costs higher than that which is now sanctioned by law, but limited to such an amount as would secure a reasonable compensation to the practitioner for his services in the county court, should be allowed, at the discretion of the judge.

3. *With respect to Claims within the Consent Jurisdiction, under the 13 & 14 Vict. c. 61, s. 17.*—In these claims we think the same principle as in cases within the concurrent jurisdiction ought to apply.

II.—*With regard to Costs as between Attorney and Client.*—We will consider this branch of the subject under the same divisions as that of which we have already disposed.

1. *As to Cases where the Claim does not exceed 20*l.**—According to the construction which has been put upon sect. 91 of the 9 & 10 Vict. c. 95, it appears that an attorney, who has conducted a proceeding in a county court, may recover from his client his costs for professional exertions out of court on the same scale as in the superior court, the fees mentioned in the above section being intended as a compensation for the mere act of appearing in court.

*No greater Costs than by Law allowed, unless Client sign an Undertaking to pay greater Amount.*—We are of opinion, that where the claim does not exceed 20*l.*, it would be desirable, in conformity with the principle of treating these courts in such cases as the fitting tribunal for the recovery of small demands, without professional assistance, that no greater sum should be recoverable by the attorney from his client than the fees mentioned in the section, unless the client signs a memorandum, to be attested by a witness other than the attorney, undertaking to pay costs on some scale, or for some amount, different from that provided by the statute.

2. *With respect to Costs of this Description where the Claim exceeds 20*l.*, but does not exceed 50*l.**—There we think, on the principle already referred to, that an amount of costs, such as would reasonably compensate the practitioner, should be allowed.

3. *With respect to Claims within the Consent Clause.*—In those claims we make the like recommendations as in the last class of cases.

#### METROPOLITAN DISTRICTS.

*Inconvenient to treat them as mutually foreign.*—We have already stated, that in order to establish the system of local administration of justice, the country has been divided into several districts, to each of which a county court is attached. Among these districts are several which may be considered as strictly metropolitan. Although they together embrace the metropolis, exclusive of the city of London, they are treated for all purposes as foreign to each other, as much as if they were placed at opposite ends of the kingdom. This in many cases is productive of great inconvenience. The boundary line of a district is frequently and necessarily traced along the centre of a street, and each side of the street is therefore in a district foreign to the other. The exposition of the practice of the county courts which we have already given, with reference to applications to sue out of the district, the transmission and return of process, and the enforcement of warrants against the goods or body of the judgment debtor, will sufficiently shew the justice of the complaints which suitors make of the present system of the above districts.

*System unjust to Creditors and burdensome to Debtors.*—One consequence of this system is peculiarly productive of injustice to creditors. By the present law the plaintiff must, as a general rule, sue the debtor in the district of the latter. He is, therefore, frequently obliged, at great inconvenience, to go to a court at a considerable distance from his own place of business, for the purpose of taking out process, and afterwards proving his case. This state of the law is contrary to the general principle, that the debtor should find the creditor in order to pay him. Although the application of this principle has been in certain cases modified, in order to promote the local administration of justice, yet where the debtor and creditor both reside in the same metropolis the present law appears to have rather an opposite tendency. To the debtor also the system is productive of an increased burthen, in consequence of the proceeding for the recovery of claims being thus rendered unnecessarily complicated.

*Plaintiff should have Option to sue in his own District.*—To obviate the inconvenience consequent on such a state of the law, we propose that where a plaintiff dwells, or carries on business, or has employment in any of the districts of the Bloomsbury, Bow, Brompton, Clerkenwell, Lambeth, Marylebone, Shoreditch, Southwark, Westminster, or Whitechapel county courts, he should have the option of suing the defendant in such district as the law at present permits, or in any of the districts wherein he so dwells, carries on business, or has employment, provided that the defendant dwells, carries on business, or has employment in some one of

the said districts; and that for proceedings in the cause all the metropolitan districts should be treated as the district of the court out of which the process issued.

*The Metropolitan Districts treated as Parts of one District.*—By these means a reasonable power to compel a debtor to attend at a court most convenient to his creditor would be secured, a considerable expense would be saved to the suitors, and the inconveniences resulting from each metropolitan district being treated as foreign to the other would be obviated.

#### LONDON SMALL DEBTS COURT.

*Court should be assimilated to County Courts.*—We have already stated that the city of London is excepted from the operation of the statute establishing the county courts. A court similar in its constitution to that of the county court has by a local act been established for the recovery of small debts within the limits of the city of London. The judge and officers are appointed by the corporation. This court is surrounded by the districts of various county courts, and is occasionally in communication with almost every county court in England and Wales. It forms, however, no part of the county court system, but is independent of it, and is regulated by its own rules of procedure. Great practical inconveniences to the suitors and officers both of that court and of the county courts are the result.

We therefore recommend that the Small Debts Court for the city of London should be assimilated to the county courts.

#### LOCAL COURTS OF RECORD.

Among other subjects of inquiry, our attention has been directed to that of the numerous courts of record established in different places throughout the country.

*Proceedings in those Courts.*—It appears from the parliamentary returns of the 19th May, 1836, and others, that the jurisdiction of those courts extends to claims of different amounts, and that the mode of procedure is in a very large majority of them similar to that which formerly existed in the superior courts antecedent to the passing of the Common-law Procedure Act, 1852. In those instances the same forms of pleading and the same minute technicalities are preserved as existed previous to the passing of that act. In some few courts the mode of proceeding provided by the act referred to has been introduced by Order in Council. The proceedings, therefore, of those courts are generally more expensive and more dilatory than in the superior courts, and, when brought into operation for the recovery of small sums, are extremely burdensome to the suitor. These courts have a jurisdiction concurrent with that of the county court. The effect of this state of the law is, that where a defendant is resident within the local jurisdiction, the plaintiff may sue him either in the county court or in the local court of record. In the former court the proceedings are simple and inexpensive—in the latter complicated and costly. If the plaintiff exercises his option by suing in the latter court, the defendant is compelled to pay a heavy and disproportionate amount of costs. The ancient mode of proceeding is preserved in these courts, not for the benefit of the public, but for the profit of those who practise there, and who gain by the increased amount of costs incurred. It certainly is desirable that such an anomalous state of the law should not continue.

We think that the encouragement now held out to the practitioners in those courts, by the amount of costs created by proceedings there, should be discontinued.

*Principle of placing these Courts under Restrictions already recognised by Law.*—By law, if an action be brought in the superior court for a claim which is recoverable in the county court, and for a less sum than 5*l.* or 20*l.*, according as the claim is founded on tort or

contract, the plaintiff, as a general rule, is not entitled to costs, unless a judge of the superior court certifies that it was a proper case to be tried in the superior court. Now, it is not reasonable that these local courts of record should be placed on a higher footing than the superior courts. The principle of not permitting the local courts of record to entertain suits for the recovery of small sums, and create costs, where, under similar circumstances, the plaintiff would not be allowed to recover costs in the superior courts, was recognised more than thirty-five years ago by the Legislature, when the 58 Geo. 3, c. 30, was passed. By that act it was provided, that in actions of trespass for assault and battery, to be commenced in any court having jurisdiction to hold pleas in actions or suits to the amount of 40s., other than the superior courts at Westminster, if the jury assessed the damages under 40s. the plaintiff should recover only the same amount of costs as damages. This provision became necessary, as the different statutes previously passed on the subject of costs, except the statute of James I, did not apply to inferior courts of record. The mischiefs, therefore, of onerous and vexatious litigation, which had to a certain extent been restrained by the statutes relating to the superior courts, continue in their most objectionable form in the inferior courts of record. It is not improbable that if the state of the law on this subject had been drawn to the attention of the Legislature when the 9 & 10 Vict. c. 95, was in progress through Parliament, some provision would have been introduced to extend the operation of that act to the inferior courts of record.

*Courts to be assimilated to Superior Courts with relation to Costs.*—We therefore recommend that the same law should be adopted with reference both to the superior courts at Westminster and to the inferior courts of record. If, therefore, in any of those courts a less sum than 5*l.* in tort, or 20*l.* in contract, be recovered, the plaintiff should be entitled to no costs, unless the judge of the court shall certify that it was a proper case to be tried there.

We humbly submit this our first report to your Majesty's royal consideration.

JOHN ROMILLY.	(L.S.)
WILLIAM EMLE.	(L.S.)
CHARLES CROMPTON.	(L.S.)
HENRY FITZROY.	(L.S.)
HENRY S. KEATING.	(L.S.)
JOHN HERBERT KOE.	(L.S.)
A. S. DOWLING.	(L.S.)

J. PITT TAYLOR, { I approve of this report,  
subject to the observations  
contained in the annexed  
paper. (L.S.)

J. R. MULLINGS. (L.S.)

Dated the 31st March, 1855.

#### OBSERVATIONS BY MR. J. PITT TAYLOR.

On the following points I have the misfortune to differ from the majority of the commissioners:—

*Jurisdiction by Consent.*—In the principal Report the following passage occurs, (ante, p. 284):—

"We think, however, that the provisions of the statute" (13 & 14 Vict. c. 61, s. 17) "as to the mode in which the consent of parties is required to be given should continue."

From this recommendation I dissent. Under the statute, the consent necessary to confer jurisdiction on the county courts in matters beyond their ordinary jurisdiction must be drawn up in the shape of a memorandum, to be signed by both parties, or by their attorneys, prior to the commencement of the action.

I regard this mode of conferring jurisdiction on the

county courts as illusory. It has been tried now for nearly five years, and has proved an utter failure.

The reason is obvious. A man who is about to submit his dispute with another party to a court of justice is not often in a frame of mind which is calculated to lead him, on the one hand, to offer to his adversary any amicable proposal for settling their mutual differences in any particular mode, or, on the other, to entertain any such proposal should it emanate from his adversary.

The legal advisers are little likely to agree in recommending any course of proceeding which, in relieving their respective clients from the heavy costs of the superior courts, would proportionately be injurious to their own personal interests. To require the active consent of both parties under these circumstances is, in my judgment, an object that cannot be attained; and all that can reasonably be expected or required is, that the county court should not have jurisdiction unless the parties passively consent.

I submit, therefore, that the present mode of conferring jurisdiction on the county courts by consent ought to be abrogated; and that, in lieu thereof, those courts ought to be empowered to determine all legal disputes, of whatever nature or amount, excepting actions for criminal conversation, provided that neither of the litigating parties raises any objection to such jurisdiction.

The plaintiff, of course, will not have recourse to the county court unless he prefers that tribunal to the courts of Westminster Hall; and in order to afford ample opportunity to the defendant of objecting to the jurisdiction, I propose that the summons, in every case which is beyond the ordinary jurisdiction of the court, should be personally served, and should, moreover, contain a distinct notice that the defendant has a right to object to the jurisdiction of the county court, and to have the cause tried in such one of the superior courts as he thinks fit to specify, on giving a written notice to that effect to the clerk of the county court within a certain number of days after service.

The clerk, on the receipt of such a notice, should be required forthwith to transmit the proceedings to the superior court specified, and the entry of the plaint in the county court should be regarded for all purposes as the commencement of the action. The clerk should also send notice to the plaintiff of the defendant's objection.

To this plan I have heard only two objections raised\*. The first is, that the defendant might not read the summons, and consequently might not be aware of his power to remove the proceedings.

I confess that I am not much struck with the weight of this objection. If there be anything in it, the practice of judgment by default, which prevails in the superior courts, must be of the essence of injustice. In the one case, the carelessness of the defendant may subject him to the evil of having judgment pronounced against him in a county court after trial; in the other, it will render him liable to a like result in the superior court without any trial at all. This argument, at least, can scarcely be urged by gentlemen who, "with regard to sums above 20*l.* where the claim is founded on contract," entertain an opinion "that the practice of judgment by default may be beneficially introduced" into the county courts. (See Report, ante, p. 285).

(To be continued).

\* The objections and arguments which I have attempted to combat are such as have come to my knowledge, whether urged by individual commissioners or by persons unconnected with the commission. Other reasons for rejecting my proposals may of course exist, but I have not heard them advanced.



*Allen*, Birmingham, builder.—*William Partridge* the elder, Birmingham, builder.—*William Keates*, Uttoxeter, Staffordshire, ironmonger.

#### PETITION ANNULLED.

*William Bridgewater*, Cheltenham, Gloucestershire, coal merchant.

#### TUESDAY, July 17.

##### BANKRUPTS.

**JOB WILLIAM MEEARS**, Croydon, Surrey, dealer and chapman, July 30 at half-past 11, and Sept. 1 at half-past 12, London: Off. Ass. Pennell; Sol. Taylor, 27 A, Bucklersbury.—Pet. f. July 13.

**JOHN ELLIS and CHARLES ELLIS**, Brixton, Surrey, builders, July 27 and Aug. 24 at 2, London: Off. Ass. Whitmore; Sol. Jones, 9, Quality-court, Chancery-lane.—Pet. f. July 13.

**WILLIAM WOOD**, late of High-street, Shadwell, then of Whitechapel-road, and now of Wells-street, South Hackney, grocer, Aug. 2 at 11, and Aug. 31 at 1, London: Off. Ass. Whitmore; Sol. Bevan, 6, Old Jewry.—Pet. f. July 13.

**GEORGE WILD**, Oxford-street, grocer, Aug. 2 and 31 at 12, London: Off. Ass. Cannan; Sol. Holmer, 24, Bucklersbury.—Pet. f. July 9.

**THOMAS KERLEY**, senior, Itchen Ferry, Southampton, dealer and chapman, July 28 at 1, and Aug. 25 at half-past 12, London: Off. Ass. Cannan; Sols. Trinder & Eyre, 1, John-street, Bedford-row; Sharp, Southampton.—Pet. f. July 13.

**THOMAS TOYNBEE**, Slough, Buckinghamshire, horse dealer, July 28 and Aug. 31 at 11, London: Off. Ass. Cannan; Sol. Empson, 61, Moorgate-street.—Pet. f. June 18.

**JOSEPH DENT and ROBERT DENT**, Atherstone, Warwickshire, dealers and chapmen, July 27 and Aug. 17 at 11, Birmingham: Off. Ass. Bittleston; Sols. Power & Pilgrim, Atherstone; Hodgson, Birmingham.—Pet. d. June 29.

**ROBERT LYNHAM COURTNEY**, West Bromwich, auctioneer, July 30 and Aug. 20 at half-past 10, Birmingham: Off. Ass. Bittleston; Sols. Daiguan & Hemmant, Walsall.—Pet. d. July 10.

**WILLIAM POOLE**, Kingston-upon-Hull, provision merchant, Aug. 1 and 22 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Vollans, Hull.—Pet. d. July 4.

**ISAAC DENTON**, Horton, Bradford, draper, Aug. 3 and Sept. 7 at 11, Leeds: Off. Ass. Young; Sols. Rawson & Co., Bradford; Bond & Barwick, Leeds.—Pet. d. July 13.

**JOHN CRIPPIN and WILLIAM ROBINSON FORSTER**, Rock Ferry, Cheshire, and Liverpool, dealers and chapmen, July 30 and Aug. 20 at 11, Liverpool: Off. Ass. Cazenove; Sols. Evans & Son, Liverpool.—Pet. f. July 2.

**JOHN GRESTY**, Liverpool, dealer and chapman, July 27 and Aug. 24 at 11, Liverpool: Off. Ass. Turner; Sols. Evans & Son, Liverpool; Abrahams, 23, Southampton-buildings, Chancery-lane.—Pet. f. July 9.

**FRANCIS LLOYD BAYLEY and SAMUEL MILLNER BARTON**, Manchester, dealers and chapmen, July 27 and Aug. 31 at 12; Manchester: Off. Ass. Hernaman; Sols. Higon & Robinson, Manchester.—Pet. f. July 6.

**THOMAS BOSTOCK**, Manchester, maker-up and packer, July 30 and Aug. 21 at 12, Manchester: Off. Ass. Fraser; Sol. Potter, Manchester.—Pet. f. July 14.

##### MEETINGS.

*John Darcy and Richard Dierden*, Sutton, Lancashire, alkali manufacturers, July 30 at 11, Liverpool, last ex.—*John P. Marsä*, Bishopgate-street, wool broker, Aug. 10 at half-past 12, London, and ac. and div.—*George Fred. Rossiter*, London-wall, wholesale clothier, July 27 at half-past 1, London, and ac.—*Benjamin Redhead Waite*, Wormwood-street, butcher, July 27 at half-past 1, London, and ac.—*Joseph King*, North Audley-street, Grosvenor-square, coach builder, July 27 at half-past 1, London, and ac.—*Thomas Kemp and Edmund Kemp*, Stratford-upon-Avon and Pillerton Hersey, Warwickshire, painters, Aug. 1 at half-past 10, Birmingham, and ac.—*John Robinson*, Hexham, Northumberland, carrier, July 27 at 11, Newcastle-upon-Tyne, and ac.—*Samuel Flood and Harry B. Lett*, Honiton, Devonshire, bankers, Aug. 2 at 11, Exeter, and ac.; Aug. 16 at 11, div.—*T. C. W. Pierce*,

Manchester, merchant, July 27 at 12, Manchester, and ac.—*Edward Laurance Kyle*, Reading, licensed victualler, Aug. 6 at half-past 12, London, div.—*George Frederick Lillierap*, Bishopsgate-st. Within, grocer, Aug. 6 at 1, London, div.—*Matthew Richmond Steele*, Leicester, linendraper, Aug. 8 at half-past 11, London, div.—*Edward Logsdon*, Hatfield, Hertfordshire, baker, Aug. 8 at 11, London, div.—*Charles Frederick Tibbs*, America-square, shipowner, Aug. 8 at 11, London, div.—*Thomas Holder*, Macclesfield, silk throwster, Aug. 9 at 12, Manchester, div.—*Wm. Tweedle*, Liverpool, soap boiler, Aug. 7 at 11, Liverpool, div.—*David Little*, Liverpool, merchant, Aug. 10 at 11, Liverpool, div.—*John Etheridge and George Monck Berkley Michell*, Liverpool, insurance brokers, Aug. 6 at 11, Liverpool, div.—*William Farrall*, West Derby, cattle salesman, Aug. 8 at 11, Liverpool, div.

##### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Kennedy*, Aldersgate-street, printer, Aug. 6 at half-past 11, London.—*William Nehemiah Parson*, Gravel-lane, Southwark, millwright, Aug. 11 at 11, London.—*Wm. Harris Paul*, Lawrence-lane, Cheapside, clothing manufacturer, Aug. 7 at 11, London.—*James Weymouth*, Taunton, stationer, Aug. 7 at 11, Exeter.—*Walter Horton and Joseph Horton*, Wednesbury, Staffordshire, timber merchants, Aug. 13 at half-past 10, Birmingham.—*Wm. Hancock*, Talk-o'-th'-hill, Staffordshire, builder, Aug. 9 at half-past 10, Birmingham.—*C. Massingham*, Birmingham, wholesale jeweller, Aug. 13 at half-past 10, Birmingham.—*James Power*, Wolverhampton, stonemason, Aug. 13 at half-past 10, Birmingham.—*John Biddle*, Leicester, glove manufacturer, Aug. 14 at 10, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Catherine Dixon*, Lymington, Southampton, tailor.—*Wm. Hoe*, Bishopgate-street Without, stationer.—*Thomas Grist*, Salisbury, clothier.—*John Lafts*, Strand, printer.—*Henry Osborne Box*, Dursley, Gloucestershire, woollendraper.—*Geo. Edward Neal*, Penbury, Kent, innkeeper.—*Abraham Davis*, Tottenham-court-road, hardwareman.—*Ann Gregory*, Liverpool, licensed victualler.—*Henry George Cable*, Goswell-st., Clerkenwell, draper.—*Wm. Whitehouse Granger Garrett*, Rathbone-place, Oxford-st., export oilman.—*Robert Ingham*, Rawtenstall, Lancashire, power-loom cloth manufacturer.—*Jas. Dalton*, Newton-beath, near Manchester, emery grinder.—*Samuel Mahant*, Henfield, Whalley, Lancashire, cotton spinner.—*Wm. Finchett*, Chorlton-upon-Medlock, Manchester, brewer.—*Hugh Hart*, Hulme, timber merchant.—*Walter Graham*, Brookhouse-fields, Blackburn, draper.—*Joseph S. Airdison*, Kingston-upon-Hull, ship chandler.—*F. Weston*, Dudley, hosier.—*Thos. Fowkes*, Redditch, Worcestershire, innkeeper.—*James Cartwright*, Birmingham, factor.—*John Webber*, Birmingham, grocer.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed George Augustus Woodforde, gent., of Castle Cary and Iminster, Somersetshire, to be a Commissioner to administer oaths in the High Court of Chancery in England.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed James Thorneley, gent., of Liverpool, to be Perpetual Commissioner for taking the acknowledgments of deeds to be executed by married women, in and for the county of Lancaster.

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**SAMUEL MOSES LOTINGA and NOAH SAMUEL LOTINGA**, Newcastle-upon-Tyne and North Shields, dealers and chapmen, (trading under the style or firm of S. M. & N. Lotinga), Aug. 6 at 1, and Aug. 28 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Brewis, Newcastle-upon-Tyne.—Pet. f. July 17.

**WILLIAM GRAHAM**, Wingate Grange and Low Spenney Moore, Durham, dealer and chapman, July 27 at 11, and Aug. 30 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle & Co., 20, Southampton-buildings, Chancery-lane, and Newcastle-upon-Tyne.—Pet. f. July 9.

**JAMES BOOTHMAN**, Ashton-under-Lyne, Lancashire, painter, Aug. 2 and 31 at 12, Manchester: Off. Ass. Hernaman; Sols. Payne & Co., Leeds; Blair, Manchester.—Pet. f. July 7.

## MEETINGS.

*Charles Kelly*, High-street, Kensington, and Baker-street, Portman-square, auctioneer, July 31 at 11, London, last ex.—*John Christie*, Accrington, Lancashire, ironfounder, Aug. 2 at 12, Manchester, last ex.—*Benjamin Mitchell*, Manchester, picture dealer, Aug. 2 at 12, Manchester, last ex.—*R. Robson* and *John Thos. Robson*, Derby, silk manufacturers, July 31 at half-past 10, Nottingham, last ex. of *John T. Robson*.—*Charles J. Parleur*, Strand, lithographer, Aug. 1 at 11, London, and ac.—*Wm. Farrell*, West Derby, Lancashire, cattle salesman, Aug. 7 at 11, Liverpool, and ac.—*David Little*, Liverpool, merchant, Aug. 9 at 11, Liverpool, and ac.—*B. R. Waite*, Wormwood-street, London, butcher, Aug. 11 at 11, London, div.—*Joshua Monckton*, King-street, Baker-street, licensed victualler, Aug. 11 at 11, London, div.—*John Fittes* and *Robert Fittes*, Newcastle-upon-Tyne, and Gateshead, tea dealers, Aug. 10 at 12, Newcastle-upon-Tyne, fin. div.—*George Booth*, Bishopwearmouth, Sunderland, shipowner, Aug. 10 at half-past 11, Newcastle-upon-Tyne, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George Noek and John Williams*, Frith-street, Soho, goldsmiths, Aug. 10 at 2, London.—*Patrick Fenn*, Brecknock place, Camden-town, linendraper, Aug. 10 at half-past 12, London.—*George C. Long*, Dartford, draper, Aug. 11 at 1, London.—*James Martyr*, Union-street, Southwark, ironmonger, Aug. 11 at 11, London.—*Charles Richards*, Wrexham, Denbighshire, draper, Aug. 10 at 11, Liverpool.—*Wm. Beardsall*, Manchester, plumber, Aug. 10 at 12, Manchester.—*Samuel Clay*, Wakefield, Yorkshire, millowner, Aug. 13 at 12, Leeds.—*John McCarthy*, Aston, near Birmingham, publican, Aug. 13 at 12, Birmingham.—*John Parkinson* the elder and *John Parkinson* the younger, Leicester, hosiers, Aug. 14 at 12, Birmingham.—*Thomas E. Partridge* and *Samuel Partridge*, Darlaston, Staffordshire, screw bolt manufacturers, Aug. 13 at 12, Birmingham.—*Samuel Lowe*, Derby, silk manufacturer, Aug. 14 at 10, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Edward Biven*, King William-street, London, watchmaker.—*A. P. Shaw*, Devonshire-street, Bishopsgate-street, printer.—*Francis Norbury*, Ardwick, Manchester, builder.—*James Woolley*, Manchester, coach builder.—*L. Tatley*, Ince, near Wigan, Lancashire, cotton spinner.—*James Aldred*, Manchester, innkeeper.

## PARTNERSHIP DISSOLVED.

*Thomas Charles Cornish and Thomas Saunders Parnell*, Bristol, attorneys and solicitors.

## TUESDAY, July 24.

## BANKRUPTS.

**WILLIAM BUXTON, JOHN BUXTON, and SAMUEL SEPTIMUS BUXTON**, Carlisle and Bradford, woolstaplers, (trading under the style or firm of Buxton, Brothers), Aug. 2 at half-past 1, and Sept. 1 at 1, London: Off. Ass. Cannan; Sols. Young & Vallings, 2, St. Mildred's-court, Poultry.—Pet. f. July 7.

**THOMAS BARNES**, Southampton, dealer and chapman, July 31 at 2, and Sept. 8 at half-past 12, London: Off. Ass. Pennell; Sols. Mackay, Southampton; Paterson, 7, Bouverie-street, Fleet-street.—Pet. f. July 23.

**SAMUEL HOW**, Liverpool, dealer and chapman, (lately carrying on business with James Greene Hatton Greene, under the firm of How, Hatton Greene, & Co.), Aug. 3 and 30 at 11, Liverpool: Off. Ass. Turner; Sols. J. & E. Whitley, Liverpool.—Pet. f. July 20.

**JOHN HENRY BRADSHAW**, Birmingham, dealer and chapman, Aug. 4 and 25 at 11, Birmingham: Off. Ass. Christie; Sols. Bridges, Birmingham; Slaney, Birmingham.—Pet. d. July 18.

**JAMES BEARDSMORE**, Audley, Staffordshire, dealer and chapman, Aug. 3 and 25 at 11, Birmingham: Off. Ass. Whitmore; Sols. Keary & Sheppard, Stoke-upon-Trent.—Pet. d. July 10.

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THE JURIST.

LONDON, JULY 28, 1855.

By the stat. 8 & 9 Vict. c. 106, s. 3, it is enacted, that a lease of any tenements or hereditaments required by law to be in writing shall be void at law unless made by deed. The Courts have had to consider the effect of these words on several occasions, but it was only in a very recent case that the most important question involved in them was judicially decided. It had been plausibly argued, that as the statute renders void such a lease unless it be under seal, therefore the Courts would construe the instrument as amounting merely to an agreement for a lease—ut res magis valeat, quam pereat—and as carrying out the intention of the parties, who meant that their contract should have some operation. The Court of Common Pleas, however, have negatived this view, and decided, that if the language would have been held to constitute a present demise before the statute, it shall be so construed now, and therefore shall be held void if it want the solemnity of the seal. (*Stratton v. Pettit*, 1 Jur., N. S., part 1, p. 662).

In that case "articles of agreement" were executed, whereby the plaintiff agreed to let, and the defendant to take, certain premises, to hold to the defendant for the term of five years, the fee-simple to be purchased by the defendant at the end of the five years, the defendant rendering to the plaintiff, as well for the rent as the purchase, 70*l.*, by seventy shares of 1*l.* each in an assurance company. No abstract or investigation of title was to be required beyond evidence of seisin

and possession as owner by the plaintiff and his ancestors for twenty-one years last past. The ground of the judgment is contained in the following words of Jervis, C. J.:—"The rule to be collected from all the cases is, that the intention of the parties, as declared by the words of the instrument, must govern the construction; and the Court will, if possible, put such a construction upon it as will effectuate the intention of the parties, rather than defeat it. The question, then, is, what was the intention of the parties when the instrument was made? Doubtless they intended to make an instrument which should have some operation; but did they intend to make a lease or an agreement? If the former, they have not done what they intended, because the lease is void by the statute. The intention of the parties must be collected from the instrument itself; and the rule is well explained by Lawrence, J., in the case of *Morgan v. Bissell*, (3 Taunt. 65)—'When there is an instrument by which it appears that one party is to give possession and the other to take it, that is a lease, unless it can be collected from the instrument itself that it is an agreement only for a lease to be afterwards made.' . . . It is admitted that before the statute this instrument would have been held to be a lease; and if the true rule be, that the intention of the parties, as declared by the words of the instrument, must govern the construction, it is clear that the parties intended this instrument to operate as a lease."

It had been previously held, that if a tenant enter and occupy the premises and pay rent under such an instrument, he becomes tenant from year to year upon the terms contained in the instrument, and is bound to

quit at the expiration of the period therein mentioned, without any notice to quit. (*Tress v. Savage*, 18 Jur., part 1, p. 680; *Lee v. Smith*, 23 L. J., Ex., 198). So under the repealed statute, the 7 & 8 Vict. c. 76. (*Arden v. Sullivan*, 19 L. J., Q. B., 268; *Doe v. Moffatt*, 15 Q. B. 257). Analogous cases had been decided under the Statute of Frauds. Thus, although by that statute leases by parol for more than three years have the effect of estates at will merely, occupation and payment of rent under such leases create tenancies from year to year, (*Clayton v. Blakey*, 8 T. R. 3), and the instrument regulates the terms of the holding. (*Richardson v. Gifford*, 1 Ad. & El. 52; *Beale v. Sanders*, 5 Scott, 58; *Doe v. Bell*, 5 T. R. 471; *De Medina v. Polson*, 1 Holt, 47).

We may here refer to a late case, in which it was held that the 3rd section of the 8 & 9 Vict. c. 106, declaring that a lease required by law to be in writing, of any "tenements or hereditaments," shall be void unless by deed, does not apply to agreements for letting, or to leases of tolls under the 3 Geo. 4, c. 126. (*Shepherd v. Hodsman*, 21 L. J., Q. B., 263).

### NOTES OF THE WEEK.

It will hardly be credited that in a bill supported by the Chancellor of the Exchequer, and intitled "Stage Carriage Duties, &c. Bill," was a clause (clause 6) providing that exemptions from stamp duty on behalf of *building societies* should not extend to conveyances, &c. for sums exceeding 240l. The clause was abandoned, not on account of its incongruity with the scope, object, and title of the bill, although that was pointed out by Mr. Bright and others, but because the principle involved in the clause was objected to. When shall we have bills drawn with something like a logical conformity between the title and the contents? Would it not be as well to look to this simple matter in these days of purification and codification of the statute law?

The committee appointed to inquire into Baron Rothschild's case (after hearing counsel on his behalf) have reported, that in their opinion, by undertaking the loan required by Government, he did not enter into a contract within the meaning of stat. 22 Geo. 3, c. 45, so as to be disqualified from sitting in Parliament.

The Assizes and Sessions Bill has been withdrawn for the present.

### HOUSE OF LORDS.—July 20.

#### GOVERNMENT MEASURES OF LAW REFORM.

Lord Lyndhurst begged to take this opportunity of asking his noble and learned friend upon the woolsack for some explanation upon the subject of law reform. His noble and learned friend had introduced a bill for altering the law of divorce, and also for the purpose of transferring the jurisdiction from the Ecclesiastical Court to the Court of Chancery. After that bill had proceeded a certain length, part of the bill was withdrawn by the voluntary act of his noble and learned friend, and the other part in consequence of some opposition to the bill on the part of a right reverend prelate. He stated as his reason, that the Testamentary Bill had been thrown out in the other House; and his noble and learned friend, in answer to the Chief Justice of the Queen's Bench, said that the Government would use their utmost endeavour to pass a bill on that subject. It was a singular circumstance that that bill went down last year from that House on the 7th April, but not a single attempt was made by the law officers of the Crown to proceed with it. He had also stated that the Government would be prepared to introduce in the present session a large measure of reform, embracing the whole of the ecclesiastical courts. He did

not find that either in that or the other House of Parliament any attempt had been made to redeem that pledge. His noble and learned friend had not even introduced a bill of divorce, or any bill relating to matrimonial cases. The Testamentary Jurisdiction Bill had gone down at an early period of the previous session to the House of Commons. It was, therefore, perfected; but notwithstanding this circumstance, and that Parliament met in December, the law officers of the Crown did not think proper to bring it forward until the end of May, and this bill had consequently again fallen through and been withdrawn. These circumstances required some explanation. His noble and learned friend might mention the war as the cause of the abandonment of this bill, but he did not see that either his noble and learned friend or the law officers of the Crown in the other House of Parliament had troubled themselves much about the complications of the Eastern question. From circumstances that had come to his knowledge, he believed that this mode of proceeding might be explained by some want of understanding or co-operation between the Lord Chancellor and the law officers of the Crown. His noble and learned friend had introduced a bill for the registry of deeds, and for the purpose of shortening conveyances and simplifying titles. That bill was fully considered and discussed, was referred to a select committee, and went down to the other House of Parliament with the approbation and sanction of his noble and learned friend and of that House. But what happened in the other House? The bill was immediately opposed by the law officers of the Crown. The Solicitor-General said, that what was wanted was a bill, not for the registry of deeds, but of titles. The consequence was, that the bill was referred to a select committee, and nothing more was heard of it from that time to this. But that was not the only fact that shewed the want of cordial co-operation between the Lord Chancellor and the law officers of the Crown in the other House. His noble and learned friend had issued a commission for the consolidation of the statute law. His noble and learned friend was the president of that commission; he sanctioned all its proceedings, and the law officers of the Crown also attended its meetings. The report of that commission was laid on the table. On looking at that report he found it signed by all the commissioners except the law officers of the Crown. He therefore took it for granted that they differed from the Lord Chancellor upon that report. He relied upon this for substantiating what he stated—that there was a want of co-operation and good understanding with respect to law reform between the Lord Chancellor and the law officers of the Crown. This had led to the greatest possible inconvenience, and it shewed that without a good understanding between the legal authorities of the Government it was in vain to expect an amendment of the law. The result was, that up to the present time, when they were going to adjourn for the holidays, not one single Government bill for reforming the laws of England had been passed. This was a most unsatisfactory state of things, and required explanation; and he had made these observations to enable his noble and learned friend to make such explanations as he might think proper to offer to their Lordships.

The Lord Chancellor said that the first complaint of his noble and learned friend referred to the Testamentary Bill, and he truly stated that last session he (the Lord Chancellor) had introduced that bill. It was much considered by a select committee, and that bill went down to the Commons, where certainly it did not receive approbation, and did not become law. The course that he thought it best to take in the present session was, that the bill should originate in the House of Commons, and, a great many objections in detail having been made to the bill of last year, he consulted with the Solicitor-General, who was to take charge of

it, and adopted some amendments likely to smoothe the passage of the bill in the other House of Parliament. He was not prepared to state the day on which that bill was introduced, but he was certain his noble and learned friend was mistaken in supposing that it was not brought in until the latter part of May. He believed it was brought in in March, but to this he could not pledge himself. At all events, it was prepared quite early enough, and it was introduced as soon as the state of public business made it possible to proceed with it; and although he should not fall back upon the war as a justification for doing nothing, he thought that the state of business arising out of the discussions about the war, which had taken up four-fifths of the session, would explain why so dull a subject had been so little able to obtain a hearing. His noble and learned friend ought to be the last person to express great surprise, and to complain that this bill had not received the sanction of the Legislature, because the same thing had happened to him also when he was Lord Chancellor. In 1843 a similar measure was introduced into the House of Commons, and failed; in 1844 it was introduced into this House, but did not pass; and it was again introduced in the following session. He hoped that the same course would be again adopted, and that the measure would be introduced next session, and then the matter would be placed in the same position that it occupied during the chancellorship of his noble and learned friend. It was said that he had promised a comprehensive plan of testamentary reform. Now, the fact was this—he had been taunted with doing only half his duty in introducing a measure for the reform of testamentary jurisdiction; he had been told that he ought to deal with the whole subject, viz. testamentary jurisdiction, matrimonial jurisdiction, and church discipline jurisdiction, and he accordingly undertook to get measures prepared which would embrace all these matters. The Matrimonial Bill had been prepared, but the subject was so connected with the Testamentary Bill that it was impossible for him to introduce it until he could see how the Testamentary Court was to be constituted. A bill had been framed with great care upon the subject of church discipline, and had been submitted to the bishops; but there were great differences of opinion with respect to it, and the subject was attended with many difficulties, and the measure had not therefore been presented to the House. He had been assured by the Solicitor-General that the Testamentary Bill was read a second time with every prospect of success, but the attention of the other House had been so absorbed by subjects of overwhelming interest that it was found impracticable to pass it. With regard to the suggestion that there was not a cordial co-operation between the law officers of the Crown and himself, and the example adduced by his noble and learned friend of the Registration Bill, which the Solicitor-General did not support in the other House, he must say that his noble and learned friend was labouring under a mistake. The Solicitor-General thought the bill did not go far enough, and it was referred to a select committee, of which Mr. Walpole and other gentlemen besides the law officers were members, which recommended the appointment of a royal commission to inquire into the whole subject. He felt bound to issue such a commission; and the Solicitor-General had assured him that the labours of the commission were so far advanced, that in the course of the ensuing recess they would not only produce a report recommending a better system of registration, but would also frame a measure which would be introduced next session. His noble and learned friend further complained of the sluggishness of the Government in not having introduced any measures of law reform during the present session. He denied that accusation. A chancellor or a minister was not doing good by simply introducing measure

after measure, which he called measures of reform; but if he found that anything was going wrong, it was his duty to provide a remedy. The statement that no measure of reform had become law during this session was certainly near the truth. [Lord Lyndhurst.—It is the exact truth.] But early in the session he had introduced a measure giving extended summary jurisdiction in cases of petty offences. That bill had passed this House, and had been referred to a select committee of the House of Commons; and his right hon. friend the Home Secretary had assured him on Saturday last that he had not the least doubt of its becoming law. It must, however, be remembered, that at the present moment the House of Commons were more anxious to forward the bills which they had originated than to proceed with those which had been sent down from this House. Another measure which would be of essential benefit to the mass of the community, although it might not excite a great deal of popular approbation, had been sent down to the other House. It was the bill for getting rid of the necessity for private acts of Parliament in dealing with settled estates, and the Solicitor-General, who had taken charge of it, had assured him that he did not doubt that it would eventually be passed. It had been referred to a select committee, because there was a notion in the other House that it would have the effect of permitting the inclosure of Hampstead-heath. It had not the slightest reference to that subject; but the insertion of a clause had been proposed which would obviate all difficulty of the kind. They had been told that the Charity Commission had done nothing since its appointment. He protested against the truth of that assertion, for the commissioners had done a great deal of good in an unobtrusive manner, and he was satisfied that they would do more good if their powers were further extended. He had consequently introduced a measure extending their powers. It had been sent down to the other House, and he should be much disappointed if it did not become law this session. He had also introduced a bill for reforming the University of Cambridge. He, therefore, felt not guilty of the charge made by his noble and learned friend, having introduced many important measures which promised to become law before the end of the session; and he thought his noble and learned friend would have done better to wait until the session drew nearer to a close before making his complaint. He much regretted that the Attorney and Solicitor-General had not thought fit to sign the report of the Statute-law Commission, but he had no authority to call upon them to sign it if they did not think proper to do so. He should be glad to be the means of introducing next session measures which had failed in the present; but he thought that his noble and learned friend attributing blame to him because the House of Commons did not pass the Testamentary Jurisdiction Bill was really attributing blame to him to which he was not obnoxious. In the course of the present session he had received two reports, which he had anxiously considered. One of these reports had reference to the county courts, and would necessarily give rise to legislation, and, indeed, a bill had been partly prepared, but he could not with any propriety have introduced it during the present session, for it was impossible that it could have passed into law. The other report was as to the state of the Incumbered Estates Court, Ireland. He was in hopes that he might have introduced a bill on this subject this session, but the changes recommended by the report were so important, and on the whole so useful, that they would require considerable consideration. He might have obtained some credit for introducing this bill, but he felt that it would have been obtaining credit under false pretences, for the bill could not have passed this session. He had also, at the suggestion of his noble



and learned friend Lord Brougham, introduced a bill, which had passed their Lordships' House, for additional sessions and assizes; the bill, however, was objected to by the other House, and required more consideration than could be given to it this session. He had been in communication with the Secretary of State for the Home Department, and was informed that though this bill would not pass into law this session, yet the royal prerogative would be brought to bear on the subject, and additional commissions would be issued for several counties.

Lord Lyndhurst said that his noble and learned friend had replied to him by a *tu quoque*; but this did not apply to his case, for when he held the office now held by his noble and learned friend he did his utmost to pass the Testamentary Jurisdiction Bill. His complaint was, not that they had failed in passing bills, but that they had let the last two sessions pass without making any attempt to pass any bills. His statement was, that not a single bill for the improvement of the law which had been proposed by her Majesty's Government had received the royal assent. His noble and learned friend had met this statement, not by contradicting it, for that was impossible, but by stating that a considerable number of bills had passed their Lordships, and had been sent to the other House; and though they had not passed a single bill during the six months, yet his noble and learned friend flattered himself that during the four or five remaining weeks of the session they would pass these bills. His noble and learned friend was much more sanguine on this point than he was; for he took what had been done as a good picture of what was likely to take place, and had no hope that the bills would be passed this session.

Lord Brougham trusted that his noble and learned friend (Lord Lyndhurst) would early next session apply himself to one of the subjects to which he had directed his observations, viz. to that of the ecclesiastical courts jurisdiction, particularly with regard to the matter of divorce, for the state of the law with regard to this subject was in a most shameful and disgraceful state. His noble and learned friend, among the many great and invaluable services which he had rendered to his country, could not render it a greater service than by taking up, with all the weight which was justly due to his authority in that House, the country, and the Profession, the subject which had been referred to.

Lord Lyndhurst said that he could not understand why there should be a difference between the law of divorce in the northern and southern parts of the island. He believed that in Scotland the law of divorce worked exceedingly well, and he saw no reason why it should not be extended to England.

Lord Brougham was convinced that if his noble and learned friend would peruse the evidence and the report of the committee over which he (Lord Brougham) presided a few years ago, he would find abundant reasons for holding more firmly the opinion which he had now expressed.

The subject then dropped.

### Correspondence.

#### THE LIMITED LIABILITY ACT.

TO THE EDITOR OF "THE JURIST."

SIR,—By the 12th section of the Limited Liability Bill now before Parliament it is provided that every pecuniary penalty under the act shall be deemed a debt due to the Crown, and shall be recoverable accordingly.

Will not the effect of this section be seriously to impede any dealings with the real estate of any person who may be a director of any of the numerous companies which are expected to take advantage of the act

when passed? On reference to the other sections, it will be seen that any director may become liable to a very considerable amount of penalties, which, it is presumed, will charge his lands as against a purchaser for valuable consideration without notice. W.

#### FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 300.)

##### OBSERVATIONS BY MR. TAYLOR—(Continued).

The second objection urged against the plan is, that it would operate prejudicially to the interests of the legal profession. I do not think that it would have that effect to any great extent, as the causes which would find their way into the county courts, were the plan adopted, would probably for the most part be of a simple nature. But assuming that the result suggested would follow, it seems to me to afford no valid answer to the proposed change. The real interests of no body of men can be advanced or protected by laws which are oppressive on other classes; and it does seem to me to savour of oppression when parties are forced, unless they consent to an amicable arrangement, which is too much to expect from them, to incur heavy costs in litigation in Westminster Hall, though the plaintiff is willing, and the defendant is not unwilling, to have the dispute settled at a far cheaper rate by an inferior tribunal.

*Distinction between Contracts and Torts with respect to Costs in the Superior Courts.*—The Report contains the following passage, (ante, p. 264):—

"The present law as to costs in the superior courts, so far as it affects jurisdiction, should, we think, remain unaltered," with an exception not material to my purpose.

I dissent from this proposition. At present a wide distinction exists between actions founded on contract and actions founded on tort. If any sum not exceeding 20*l.* be recovered in the former class of actions in a superior court, the plaintiff is deprived of costs, unless the judge certifies that the cause was fit to be tried before him. The same law prevails in actions on tort only when a sum not exceeding 5*l.* is recovered. This distinction should, in my opinion, be abolished; and no plaintiff should be allowed to recover costs in a superior court, whether the action be founded on contract or tort, unless he recovers a sum exceeding 20*l.*, or unless the judge certifies in his favour.

The main object of the Legislature in establishing the county courts was to protect litigants from the ruinous expenses of the superior courts in all cases where the matter in dispute was, comparatively speaking, of small amount. To effect this object it was necessary not only to create tribunals in which justice might be administered at a trifling cost, but to hold out a strong inducement to plaintiffs to have recourse to them when created. Hence the provisions respecting the deprivation of costs were introduced into the original County Court Act, the effect of these provisions being, not strictly to confer exclusive jurisdiction on the county courts, and to make it absolutely compulsory on plaintiffs to sue in them, but simply to induce plaintiffs to do so in the great majority of instances, by exposing them to the risk of being deprived of costs should they needlessly invoke the aid of the more costly tribunals.

The wisdom of dealing with the subject in this mode is not questioned; and the commissioners are all agreed that the county courts should possess a quasi exclusive jurisdiction over "small claims and small disputes," and "that they shall be made complete courts for that purpose."

(To be continued.)



**THOMAS CROWDEN TIPTAFT**, Taunton, haberdasher, Aug. 2 at 11, and Sept. 6 at 1, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Pet. f. July 20.

**THOMAS BRIGGS**, North Shields, grocer, Aug. 6 at 12, and Aug. 30 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Litch & Kewney, North Shields.—Pet. f. July 17.

#### MEETINGS.

*Henry Hudson*, Heaton-Fold-in-Marsh, Huddersfield, cattle dealer, Aug. 3 at 11, Leeds, last ex.—*John Fittes and Robert Fittes*, Newcastle-upon-Tyne and Gateshead, tea dealers, Aug. 7 at 11, Newcastle-upon-Tyne, and. ac.—*Sampson Langdale, John Byten, and Mastia Joscelyn Cooke*, Newcastle-upon-Tyne, merchants, Aug. 6 at 11, Newcastle-upon-Tyne, and. ac.—*John Strachan*, Newcastle-upon-Tyne, common brewer, Aug. 7 at 11, Newcastle-upon-Tyne, and. ac.—*Thomas Thompson*, Sunderland, bookseller, Aug. 7 at 12, Newcastle-upon-Tyne, and. ac.—*Thomas Holder*, Macclesfield, silk throwster, Aug. 3 at 12, Manchester, and. ac.—*Prescott Corless*, Wigan, tea dealer, Aug. 3 at 11, Liverpool, and. ac.—*Thomas Kimpton*, Liverpool, carrier, Aug. 3 at 11, Liverpool, and. ac.—*Jeremiah New*, Sheffield, saw manufacturer, Aug. 4 at 10, Sheffield, and. ac.—*John Wells*, Sheffield, licensed victualler, Aug. 4 at 10, Sheffield, and. ac.—*Robert Milner*, Doncaster, hatter, Aug. 4 at 10, Sheffield, and. ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Paxon*, High-street, Hampstead, auctioneer, Aug. 14 at 12, London.—*John Elsdon*, Church-row, Limehouse, shipowner, Aug. 16 at 1, London.—*Charles Greene*, Charington-street, Oakley-square, St. Pancras, bookseller, Aug. 16 at 12, London.—*Isaac Mottershead*, Macclesfield, builder, Aug. 15 at 12, Manchester.—*Alexander Peat*, Manchester, shoe manufacturer, Aug. 14 at 12, Manchester.—*James Fish*, Bury, cotton manufacturer, Aug. 14 at 12, Manchester.—*R. Nicholson*, Liverpool, stonemason, Aug. 16 at 11, Liverpool.—*W. Davies*, Birmingham, shoe manufacturer, Aug. 13 at half-past 10, Birmingham.—*Samuel Dudley*, Tipton, Staffordshire, tailor, Aug. 13 at half-past 10, Birmingham.

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*Edward John Wells*, Maidstone, ironmonger.—*Edward L. Kyle*, Reading, licensed victualler.—*Thomas Youngman*, Pitfield-street, Hoxton, linen-draper.—*James Lord*, Edwards-terrace and Stephenson-terrace, Caledonian-road, Islington, colormen.—*Thomas Waghorn*, Rochester, draper.—*Julius Weichbrodt*, Liverpool, merchant.—*Charles Condon*, Macclesfield, silk manufacturer.—*Margaret Bolton*, Reedysford Mill, Marsden, near Burnley, power-loom cloth manufacturer.—*Thomas Meriden*, Watgrove Mill, within Wardle, Rochdale, cotton manufacturer.—*John Lowe*, Salford, slate merchant.

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## GAZETTES.—FRIDAY, July 27.

## BANKRUPTS.

- ARTHUR FERDINAND DE NEUMANN**, Gloucester-street, Pimlico, and Lime-street, dealer and chapman, (trading under the style or firm of Arthur Ferdinand Neumann & Co.), Aug. 9 at half-past 11, and Sept. 6 at 12, London: Off. Ass. Johnson; Sol. Foord, Pinners' Hall, Broad-street.—Pet. pres. June 19.
- ALFRED GIBSON**, Great St. Helen's, London, ship broker, Aug. 15 at 1, and Sept. 12 at 2, London: Off. Ass. Graham; Sol. Cox, Pinners' Hall, Broad-street.—Pet. f. May 31.
- WILLIAM WATKIN FORD**, Sydney-cottage, Hornsey, and Howard-buildings, Brick-lane, Old-street, St. Luke's, dealer and chapman, Aug. 6 at half-past 12, and Sept. 8 at 1, London: Off. Ass. Nicholson; Sol. Owen, 2, Bucklersbury.—Pet. f. July 25.
- STEPHEN EDWARD SHERWOOD**, Sellings, near Canterbury, tailor, Aug. 6 at 1, and Sept. 15 at 12, London: Off. Ass. Nicholson; Sols. Morris & Co., Moorgate-street-chambers.—Pet. f. July 19.
- PEMBLE BROWNE**, Grosvenor-street, Bond-street, and Charlton, Kent, dealer and chapman, (formerly trading at Melbourne, Victoria, Australia, with John Edwards Browne, and lately trading with Charles Serrant Walsh, deceased, at Grosvenor-street), Aug. 4 and Sept. 7 at 1, London: Off. Ass. Whitmore; Sol. Wellbourne, 17, Duke-street, London-bridge, Southwark.—Pet. f. July 25.
- ROBERT BROWN**, Lime-street, London, and Port Wallace, Nova Scotia, dealer and chapman, Aug. 3 at 12, and Sept. 8 at 1, London: Off. Ass. Cannan; Sols. Messrs. Harrison, 5, Walbrook.—Pet. f. July 23.
- JOSEPH SKINNER**, Bouverie-street, Fleet-street, carpenter, Aug. 3 at half-past 12, and Sept. 7 at half-past 11, London: Off. Ass. Cannan; Sol. Capreol, 4, Gray's-inn-square.—Pet. f. July 24.
- JOHN JONES**, Tottenham-court-road, glass dealer, Aug. 4 and Sept. 7 at half-past 1, London: Off. Ass. Whitmore; Sol. Seaman, 12, Pancras-lane, Cheapside.—Pet. f. July 18.
- GEORGE GOODFELLOW**, Rowell, Northamptonshire, currier, Aug. 4 at half-past 11, and Sept. 8 at 12, London: Off. Ass. Cannan; Sols. Rawlins, Market Harborough; Page, 13, Duke-street, Manchester-sq.—Pet. f. July 26.
- THOMAS REED**, George-street, Mile-end New-town, dealer and chapman, Aug. 4 and Sept. 7 at 2, London: Off. Ass. Whitmore; Sols. Reed & Co., 59, Friday-street, Cheapside.—Pet. f. July 26.
- JOHN WESTON**, Market Harborough, dealer and chapman, Aug. 8 and Sept. 3 at half-past 10, Birmingham: Off. Ass. Christie; Sol. Hodgson, Birmingham.—Pet. d. July 20.
- ANTHONY BIRCH**, Birmingham, dealer and chapman, Aug. 4 and 25 at 11, Birmingham: Off. Ass. Bittleston; Sol. East, Birmingham.—Pet. d. July 13.
- THOMAS NASH**, Stourbridge, Worcestershire, builder, (also carrying on business as a straw bonnet maker in the name of his wife, Elizabeth Nash, at Stourbridge), Aug. 17 and Sept. 1 at 11, Birmingham: Off. Ass. Bittleston; Sol. James, Birmingham.—Pet. d. July 23.
- JAMES BEARDSMORE** and **THOMAS JAMES BEARDSMORE**, Audley, Staffordshire, dealers and chapmen, Aug. 17 and Sept. 1 at 11, Birmingham: Off. Ass. Whitmore; Sols. Lees, Burslem, Staffordshire; Smith, Birmingham.—Pet. d. July 20.
- PHOEBE WESSON**, Loughborough, Leicestershire, bleacher, Aug. 7 and Sept. 4 at 10, Nottingham: Off. Ass. Harris; Sol. Inglesant, Loughborough.—Pet. f. July 23.
- GEORGE WELSH HUNTER**, Liverpool, ironmonger, Aug. 16 and 31 at 11, Liverpool: Off. Ass. Bird; Sols. Robinson & Duke, Liverpool.—Pet. f. July 24.
- JOHN JONES**, Manchester, dealer and chapman, (carrying on business under the style of Evan Jones & Son), Aug. 8 and 31 at 12, Manchester: Off. Ass. Hernaman; Sol. Atherton, Manchester.—Pet. f. July 24.
- ANDREW HALL**, Manchester, dealer and chapman, Aug. 10 and 31 at 12, Manchester: Off. Ass. Hernaman; Sols. Brooks & Marshall, Ashton-under-Lyne.—Pet. f. July 25.

## MEETINGS.

*William Harris Paul*, Lawrence-lane, Cheapside, sack manufacturer, Aug. 7 at 11, London, and ac.—*Frederick William Lister*, Great Queen-street, Lincoln's-inn-fields, and Southampton-row, Russell-square, and *William Lister*, Great Queen-street, jewel-case makers, Aug. 7 at 11, London, and ac.—*Henry Nathaniel Byles*, Gosport, Southampton, brewer, Aug. 7 at 11, London, and ac.—*Alfred Dixon Tabor* and *Joseph Wyatt*, Aldermanbury, wholesale stationers, Aug. 8 at 12, London, and ac.—*William Paxon*, Hampstead, auctioneer, Aug. 7 at 11, London, and ac.—*Thomas Scully* and *Edward Scully*, Curtain-road, Shoreditch, wholesale cheese-mongers, Aug. 7 at 11, London, and ac.—*Frederick Curtis*, Wigan, Lancashire, ironmonger, Aug. 17 at 11, Liverpool, div.—*Joseph Jackson*, Liverpool, draper, Aug. 17 at 11, Liverpool, div.—*John Poinson*, Monks Coppenthal, Cheshire, innkeeper, Aug. 22 at 11, Liverpool, div.—*Isadore Bernstein*, Liverpool, commission agent, Aug. 30 at 11, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wilmot James Nokes*, South-street, Spitalfields-market, potato salesman, Aug. 17 at half-past 1, London.—*James Harris*, Commercial-road, Lambeth, and Cornbury-place, Old Kent-road, Surrey, also Charlton, near Woolwich, and Plumstead, Kent, potter, Aug. 17 at 12, London.—*Thomas Collingwood Ker*, Hans-place, Chelsea, dealer in railway shares, Aug. 17 at 11, London.—*Christopher Rowles Bell*, Hounslow, Middlesex, coal merchant, Aug. 20 at 1, London.—*Thomas Bothell Lowford* and *Edwin Maitland*, George-yard, Lombard-street, wine merchants, Aug. 20 at 2, London.—*Francis Butler*, Berkley-street, Clerkenwell, and High-street, Islington, baker, Aug. 20 at 2, London.—*Joseph Douglas*, Summer-terrace, Brompton, apothecary, Aug. 20 at half-past 12, London.—*Charles Blanks*, East Hanningfield, Essex, blacksmith, Aug. 20 at half-past 2, London.—*John Penton*, Liverpool, apothecary, Aug. 20 at 11, Liverpool.—*Thomas Lake*, Wakefield, grocer, Aug. 20 at half-past 11, Leeds.—*William Powell*, York, linendraper, Aug. 20 at 12, Leeds.

*To be granted, unless an appeal be duly entered.*

*Robert Neal*, Wandsworth-common, Surrey, carman.—*J. Noble*, Liverpool, shipwright.—*John Wilson* and *Benjamin Wilson*, Manchester, tailors.—*Wm. Eggleston*, Halifax, stuff merchant.—*Joseph Bussell Thompson*, Rotherham, Yorkshire, linendraper.—*Edmund Stevens*, Walsall, Staffordshire, draper.—*Richard Underwood*, Leicester, hosier.—*Edwin S. Brookes*, Loughborough, Leicestershire, hosier.—*W. Heikin Osborn*, Leicester, wine merchant.—*Thos. Hollier*, Leicester, woolstapler.—*Isaac Pochin*, Leicester, jeweller.—*George I. Ward*, Leicester, fishmonger.—*Moritz Gumpel Cohn*, Great Bridge, Staffordshire, pawnbroker.—*John Willmore*, Leicester, woollendraper.—*Henry Barber*, Kidderminster, licensed victualler.—*John Hopkinson*, Nottingham, grocer.

## TUESDAY, July 31.

## BANKRUPTS.

- THOMAS EDGLEY**, Skinner-place, Sise-lane, dealer and chapman, Aug. 10 and Sept. 7 at 2, London: Off. Ass. Whitmore; Sols. Vennings & Co., 9, Tokenhouse-yard.—Pet. f. June 21.
- GEORGE HOOPER**, Arbour-square, Commercial-road East, shipowner, Aug. 9 and Sept. 7 at 1, London: Off. Ass. Whitmore; Sol. Shephard, 16, Clifford's-inn, Fleet-street.—Pet. f. July 28.
- WILLIAM GEORGE BROWN**, Dartford, dealer and chapman, Aug. 10 and Sept. 7 at 11, London: Off. Ass. Cannan; Sol. Chidley, 19, Gresham-street.—Pet. f. July 27.
- THOMAS BACON**, Colechester, printer, Aug. 8 at 1, and Sept. 15 at half-past 12, London: Off. Ass. Nicholson; Sols. Abell & Jones, Colchester, and 42, Southampton-buildings.—Pet. f. July 27.
- FREDERICK GADD**, Chichester, grocer, Aug. 7 at 1, and Sept. 20 at 11, London: Off. Ass. Nicholson; Sols. Hill & Matthews, St. Mary-axe.—Pet. f. July 30.
- WILLIAM QUINTON**, Birmingham, builder, Aug. 10 and Sept. 1 at 11, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham.—Pet. d. July 25.

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## THE JURIST.

LONDON, AUGUST 4, 1855.

THE clauses of the stat. 1 & 2 Vict. c. 110, which give to judgment creditors the same rights against the debtor's property as if he had himself charged it with the debt have been prolific of perplexing questions. In the case of *Whitworth v. Gaugain*, (Cr. & Ph. 325), Lord Cottenham was misled by the word "charge" into an erroneous interpretation of the act, which was corrected by Sir J. Wigram, V. C., and afterwards abandoned by the Chancellor himself, with the unanimous assent of the Profession. (3 Hare, 416; 1 Ph. 728). In *Hawkins v. Gathercole*, (1 Sim., N. S., 74), Lord Cranworth, while Vice-Chancellor, decided, upon words which were certainly literally capable of no other construction, that the act extended to charge benefices; and the reversal of his decision by the Lords Justices (1 Jur., N. S., part 1, p. 481) has not met with such universal acquiescence. The case of *Watts v. Porter* (decided by the Court of Queen's Bench in Trin. Term, 1854; 3 El. & Bl. 743; 1 Jur., N. S., part 1, p. 133) may, perhaps, be classed with those we have mentioned, as one in which the fatal word "charge" has betrayed more judges. That case arose upon the 14th section of the act, which is rather differently worded from the 13th. It enacts, that if a judgment debtor has any Government stock, funds, or annuities, or stock or shares of or in any public company, standing in his name, or in the name of a trustee for him, a judge of one of the superior courts may, on the application of the judgment creditor, "order that

such stock, funds, annuities, or shares, or such of them, or such part thereof respectively, as he shall think fit, shall be charged with the payment of the amount for which judgment shall have been so recovered, and interest thereon, and such order shall entitle the judgment creditor to all such remedies as he would have been entitled to if such charge had been made in his favour by the judgment debtor." In *Watts v. Porter*, which was an action against an attorney for negligence in lending his client's money on the security of a mortgage of an equitable interest in a sum of stock, without giving notice of the mortgage to the trustees of the stock, the loan was made in 1844; in 1847 two creditors of the mortgagor recovered judgment against him for a debt exceeding the value of the stock, and in 1848 obtained a judge's order charging the stock with the judgment debt, which order was regularly entered on the books of the Bank of England, and notified to the trustees of the stock. The debtor was subsequently discharged by the Insolvent Debtors Court; and it was held by Lord Campbell, C.J., and Wightman and Crompton, J.J., (dissentiente Erle, J.), that the charge created by the judge's order had priority over the mortgage; for it was by no means to be imputed to the Legislature, that in speaking of a charge it did not contemplate a fraudulent charge as much as an honest one. They relied on the doctrine in *Dearle v. Hall* and *Lovell v. Cooper*, (3 Russ. 1), that "whenever persons treating for a chose in action do not give notice to the trustee or executor who is the legal holder of the fund, they do not perfect their title, and they do not do all that is necessary in order to make the thing belong to them in preference to all other persons." Lord Camp-

bell, in delivering judgment for himself and his colleagues, said, "Every tribunal administering justice according to the statute must consider only the effect intended by the Legislature to be given to the charging order; and this is to be learned from the language in which the meaning of the Legislature is expressed, without interpolating something not to be found. In the 14th section it gives in the most unequivocal terms the same remedies to the judgment creditor who has obtained the charging order to which he would have been entitled 'if such charge had been made in his favour by the judgment debtor.' The defendant's counsel contended that we are bound to understand the word 'honestly' to be implied, and that the charging order is only to have the effect which a charge of the debtor would have had if made honestly. *To interpolate the word 'honestly' would, we think, be a qualification of the enactment wholly unauthorised.* The words that are to be understood as implied by the Legislature, we think, are, 'validly and effectually.'" [Is not this "interpolating something not to be found?"] "The debtor could not validly and effectually make a charge to have priority over an antecedent equitable charge to which the incumbrancer has completed his title, and therefore the charging order has no such operation; but the first incumbrancer not having completed his title by notice to the trustees, the debtor might make a charge to a subsequent incumbrancer, which in point of law would be valid and effectual. At the time of this charging order the stock still continued to stand in the names of the trustees, in trust for the judgment debtor; till notice from the mortgagee, they were not trustees for her; and immediately after notice of the charging order, they became trustees for the judgment creditor." The short answer to this appears to be a denial of the assumption that the trustees of the stock were not trustees for the mortgagee before notice. It is perfectly clear that they became so immediately upon the making of the mortgage, and that a voluntary assignment of the stock by the mortgagor, perfected by notice to the trustees, would have passed nothing more than the equity of redemption. From the date of the mortgage the trustees held the stock in trust for the mortgagee, and subject to the satisfaction of his charge, in trust for his mortgagor. It was upon this last trust alone that the charging order operated. Thus, if after the first mortgage the mortgagor had made a second mortgage of the stock, (even without notice of the first), the second mortgagee would, by virtue of his mortgage merely, take nothing but a charge on the equity of redemption; and if he had notice of the first mortgage when he made his advance, he could not enlarge his right by diligence in giving notice to the trustees. Would notice of the first mortgage to the judgment creditor before obtaining his judgment, or before obtaining his charging order, or before giving intimation to the trustees, confine his charge to the equity of redemption, in the opinion of the Court of Queen's Bench? Nothing can be clearer or more conclusive than the following concise summary of the doctrine in *Whitworth v. Gaugain* given by Erle, J., in the case under consideration:—

"The debtor's interest only is charged, for the condition in the statute for the charge is, that there should be stock standing in the name of a trustee, in trust for the debtor. Now, if the debtor has already assigned the stock without notice to the trustee, it is not stand-

ing in trust for him, but in trust for the assignee—at least, as between these parties. The assignee could at any time compel the trustee to transfer the stock to him, and neither the debtor nor the trustee could resist the claim of such assignee on the ground that he had given no notice to the trustee; and what is true of an assignment of the whole stock is true of a partial charge thereon.

"It is admitted that this would be the effect of the charging order upon stock standing in the debtor's name, and equitably mortgaged by him before the charging order. The equitable mortgagee would have priority; for the debtor would be trustee of the stock for him, and the stock would not be standing in his name on his own behalf. It is not probable that the Legislature intended to give a greater effect to the order upon stock standing in the name of a trustee than it would have upon stock standing in the debtor's name.

"Also the charge intended by the statute must be taken to be a lawful charge; for it is not to be supposed that the Legislature intended to force the debtor into the situation of a breaker of the law. Now, if the debtor made a lawful charge on stock, he would either specify his interest therein, or charge it subject to outstanding incumbrances. The compulsory charge by a judgment creditor is analogous to a charge expressed to be on such interest as the debtor might have; and if worded in that way, the charge would give no right beyond what the debtor had, as a charge so worded seems to be notice to the creditor taking it to inquire. The second charge would not take priority over the first, unless the debtor charged as unincumbered that which was incumbered; if he did so, he would clearly violate the law, so far as to be liable to an action of tort for the damage arising from the false representation. If he asserted expressly that it was unincumbered, and obtained the advance by that falsehood, he would be indictable for a false pretence. The judgment creditor, therefore, would not be entitled to priority over the first mortgagee if the charge intended in sect. 11 is a lawful charge.

"Furthermore, the claim to take the stock from the first mortgagee is not a remedy against the debtor, for he has lost the stock in any event, but a remedy against the first mortgagee—a remedy given upon the general principle for deciding which of two innocent claimants shall suffer by the fraud of a third party, viz. he who facilitated the fraud. Such is the doctrine of *Loveridge v. Cooper*. Now, a judgment creditor is in no analogy with a second mortgagee who has been deceived into taking as unincumbered a security that was incumbered. The judgment creditor has trusted to no particular security; he has rights which may be made to charge all the available assets of the debtor, and among the rest his [equity of redemption of the] stock; but he has advanced nothing on the stock, and has been in no way deceived in respect thereof; and the judgment debtor, by suffering judgment, has not used deception, nor been guilty of fraud. The reason, therefore, for giving priority to a second mortgagee over a first wholly fails in respect of a judgment creditor."

It will be seen that the Court of Queen's Bench, in deciding *Watts v. Porter*, has committed precisely the same mistake which Lord Cottenham made on the first hearing of *Whitworth v. Gaugain*, and which he subsequently corrected. We confidently anticipate that the authority of *Whitworth v. Gaugain* will be restored by a reversal of the decision in *Watts v. Porter*.

#### NOTES OF THE WEEK.

In *Wright v. Lord Maidstone*, (before Sir W. P. Wood, V. C.), a bill praying that the defendant might be decreed to pay the amount of his acceptance, which

had been destroyed, was held defective on demurrer, upon the ground that the remedy was at law, a distinction being drawn between cases where a bill of exchange is lost and where it is destroyed. This distinction has lost much of its force since the Common-law Procedure Act, 1854, as by sect. 87 of that act, in any action upon a bill of exchange or other negotiable instrument, the court or a judge may order that the loss of such instrument shall not be set up, provided an indemnity is given, to the satisfaction of the court or judge or master, against the claims of any other person upon such negotiable instrument.

The Bills of Exchange and Promissory Notes Bill received the royal assent on the 23rd July. The following clauses were proposed by Lord Brougham, but afterwards withdrawn, in order to prevent the bill from being thrown out this session:—

“(A.) All bills of exchange and promissory notes shall for the purposes of this act, as hereinafter provided, be noted, or noted and protested, as in the case of foreign bills of exchange.

“(B.) It shall be lawful for the holder of a bill of exchange or promissory note which has on the day of its becoming due been noted for non-payment, and which bill of exchange or promissory note is free from erasure or alteration in any material part, except by striking out the name or names of an indorser or indorsers, to proceed under the provisions of this act, hereinafter contained, at any time after protest for non-acceptance or for non-payment, and before the expiration of six months after the day of such bill or note becoming due; provided such holder shall on or at any time previous to the day of such bill or note becoming due have been the holder thereof, or liable for the amount of the same.

“(C.) In each of the Courts of Queen's Bench, Common Pleas, and Exchequer of Pleas, the junior Master shall be the registrar of protested bills of exchange and promissory notes, and shall keep a register for the registration of protested bills of exchange and promissory notes.

“(D.) Every holder of a dishonoured bill of exchange or promissory note which is free from erasure or alteration in any material part, except as aforesaid, may, after protest, register such bill of exchange or promissory note in the register of any of the aforesaid courts, and shall thereupon be entitled to an order of such court, on such bill of exchange or promissory note, against the acceptor of such bill or the maker of such note, for payment of the same, with interest and costs, within twelve days after service of such order, inclusive of such service; and such order shall be issued and signed by the registrar of protested bills of exchange and promissory notes of the court in which such bill or note is registered, and shall be in the form contained in Schedule (C.) to this act annexed; and upon the expiration of such twelve days after personal service of such order on such acceptor or maker, or after an order for leave to proceed, in the same manner as provided by the Common-law Procedure Act, 1852, in the case of writs of summons, without such payment having been made as aforesaid, or without leave obtained to appear and defend, as has been hereinbefore provided in cases where a summons under this act has issued on any bill of exchange or promissory note, the said order shall have the effect of a judgment against such acceptor or maker, and may be registered as such, and execution may issue thereon against such acceptor or maker, on affidavit of the service of such order, or of having proceeded according to leave obtained, which affidavit shall be indorsed on such order or annexed thereto: provided always, that where leave has been obtained to appear and defend, the holder of such bill or note shall declare thereon against the acceptor or maker, in the same manner as if the appearance en-

tered by such leave had been to a writ of summons, and such order on such leave obtained shall in all respects be treated as a writ of summons: provided also, that after judgment the court or a judge may, under special circumstances, set aside the judgment, and, if necessary, stay or set aside execution, and may give leave to appear to the order, and to defend the action, if it shall appear to the court or judge reasonable so to do, and on such terms as to the court or judge may seem just.”

#### HOUSE OF COMMONS.

Mr. *Craufurd* called the attention of the House to the Report of the Statute-law Commission, and complained of the insertion of an Appendix by Mr. B. Ker which had not been sanctioned by the commissioners, and in which some reflections were cast upon the expurgatory list drawn up by Mr. Anstey and Mr. Rogers. One of these gentlemen, Mr. Rogers, had not, from absence, been able to take notice of the reflection cast upon his labours; but Mr. Anstey, he believed, had handed in a reply, which he trusted would be published without delay.

Mr. *Walpole* would inquire into the circumstances under which the papers referred to by the hon. and learned gentleman had been appended to the Report; and it would also be matter of consideration whether the answer to which he had made reference should or should not be published.

**PRISONERS TRIED AT ASSIZES.**—A return obtained by Mr. Cowper, M.P., shews that the total number of prisoners tried at the assizes of England and Wales from 1850 to 1855, including a space of five years, was as follows:—viz. on the Home Circuit, 2501, (including the prisoners tried before commissioners not judges); on the Midland Circuit, 2740; on the Norfolk Circuit, 2093; on the Northern Circuit, 2235; on the Oxford Circuit, 4223; on the Western Circuit, 3493; and on the South Wales and Chester Circuit, 975.

#### FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 308).

#### OBSERVATIONS BY MR. TAYLOR—(Continued).

But the point on which I differ from the majority of the commissioners respects the meaning which ought to be attached to the phrase “small claims and small disputes.” So far as actions on contract are concerned, I think that the Legislature has wisely limited the quasi exclusive jurisdiction of the county courts to cases in which the sum recovered does not exceed 20*l.*; but in actions on tort the present limit of 5*l.* is, in my judgment, far too low.

In the first place, the boundary line between actions on contract and actions on tort has been, to a great extent, obliterated since the passing of the Common-law Procedure Act of 1852. Take, for example, the ordinary case of an action against a carrier for the loss of a parcel intrusted to him. The declaration may be framed, and generally is framed, in such a form as equally to apply to assumpsit or to case. The action is tried at *Nisi Prius*, and a verdict for 10*l.* is given. Is the plaintiff to be deprived of costs or not? A cloud of instances might be furnished in which similar doubts would arise, and this constitutes the first objection to the present system.

Next, let it be assumed that a man illegally detains another's goods. The owner has the option of bringing either an action of trover or an action of detinue. If he brings the former, and recovers a verdict for 6*l.*, he is entitled to his costs; but if he brings the latter, and the goods are valued at 19*l.*, he is deprived of costs un-



less the judge certifies. The same result follows in the case of the carrier just put, if the plaintiff, instead of framing his declaration ambiguously so as to suit either *assumpsit* or *case*, chooses to select a particular form. His right to costs may thus depend on the taste or skill of his special pleader. I submit that this law is absurd.

Thirdly, it appears to me, as a general rule, that actions on tort involve less difficult points of law than actions on contract; and if this be so, it follows that a judge who has sufficient legal knowledge to be intrusted with the decision of the latter class of cases up to 20% is at least equally competent to deal with the former class to the like amount. A large proportion of actions on tort consists either of assaults or of collisions, and these cases seldom present any legal difficulty. The law with respect to assaults is at present sufficiently anomalous. The party who is assaulted has the option of proceeding either civilly or criminally. If he proceeds criminally, the matter is either summarily disposed of by a magistrate, or it forms the subject of an indictment, which is generally tried at the quarter sessions. In either event it may be reasonably presumed that the judge is a less sound lawyer than the judges of the county courts. No one complains of this jurisdiction, or ventures to assert that the magistrates are incompetent to deal with these cases in a satisfactory manner. Then, assuming them to be competent, on what principle can it be urged, that if the party assaulted, instead of treating the matter as a public wrong, elects to regard it as a private injury, he should be allowed to call in aid the machinery of a superior court, and to put his adversary to needless and vexatious expense, when he has an opportunity of obtaining redress before a county court? If it be urged that difficult questions of fact sometimes arise in cases of assault and collision, and that a jury is more competent to weigh conflicting evidence than a judge, my answer is, that at the instance of either party a jury may be summoned in the county court; and I have never heard it hinted that a county court jury of five is not as capable of unravelling facts and of assessing damages as a jury of twelve when sitting at Nisi Prius.

A fourth reason which induces me to recommend that the distinction with respect to costs between actions on contract and actions on tort should be abolished is this—that such an alteration in the law would have a powerful tendency to check vexatious and speculative actions, which are now too often brought at the instigation of disreputable attorneys for the mere sake of costs. It is notorious that these actions are principally brought for alleged torts; and it would be difficult to over-estimate the discredit which is cast upon the profession of the law and the administration of justice by their frequent occurrence. What adds to the evil is, that in these cases the defendant has no power, by paying money into court, to escape the infliction of costs, and consequently he is compelled, whenever he has rendered himself liable to be sued at all, either to submit to the extortionate demands of the plaintiff or of his attorney, and to compromise the action on unreasonable terms, or to proceed to trial with a full consciousness that in addition to the 8% or 10% which the jury may award as damages, he will be required to pay at least ten or twelve times that amount in the shape of costs. Now, if this class of actions could only be brought in the county courts—and they could not be brought in the superior courts if damages not exceeding 20% did not carry costs—they would seldom be brought at all, because the fees allowed to attorneys who practise in the county courts are not sufficiently large to induce them to trade in speculative litigation.

Lastly, I am emboldened in recommending this change in the law by the reflection, that so long as the presiding judge at Nisi Prius has the power of securing to the plaintiff his costs by certifying that the cause was a fit

one to be tried before him, no danger need be apprehended from the circumstance, which must occasionally happen, of a jury taking an illiberal view of the matter, and assessing the damages at an unexpectedly low figure. In these cases, and indeed in all others which might either present peculiar difficulties or might otherwise be deserving of more than ordinary investigation, it is to be presumed that the judge would discharge his duty and grant a certificate. This certificate is, in fact, the safety-valve of the plan. No doubt it has been urged in some quarters, that to enable the judge to grant a certificate to carry costs, is to invest him with a delicate discretion which will not be exercised either on a uniform principle, or otherwise in a way to afford satisfaction to suitors. I however entertain no apprehensions on this score. I have entire confidence in the integrity and sound judgment of the Bench. I feel persuaded that the judges both can and will discharge this duty, however delicate it may be, with becoming propriety. They already have the power when the verdict does not exceed 5%, and it cannot make any possible difference if that power be somewhat extended, so as to meet cases where the plaintiff does not recover more than 20%.

Having now stated my reasons for recommending the change, I venture to reply to the objections which I have heard urged against the plan.

These objections are threefold.

First, it is contended that a marked difference exists between contracts and torts; for when an action is brought on a contract, the plaintiff knows what sum he is entitled to recover; but when he sues in tort, he has no means of estimating what amount of damages ought to be awarded to him.

This proposition I respectfully deny. When a man sues for an ascertained debt, it may be said that he knows what sum is due to him; but in a vast number of actions on contract the claim is for *unliquidated* damages; and here the plaintiff is in no better position than if he were suing in an action on tort. Besides, it is not correct to say that the plaintiff has no means of estimating what amount he ought to recover when he sues for unliquidated damages, whether in an action on tort or contract. He has ample means for forming at least a rough estimate; and as the county courts have concurrent jurisdiction with the superior courts in claims up to 50%, it is only on occasions when the plaintiff estimates his own damages at a sum exceeding 50%, and the jury assess the damages at 20% or less, that he need run any risk of being deprived of costs. In a case of this nature it may to a certain extent be hard upon the plaintiff to lose his costs in consequence of having taken an erroneous view of the injury he has sustained; but it is surely still harder on the defendant to make him pay an unreasonable amount of costs, which would not have been incurred but through the plaintiff's error.

The above argument, of course, assumes that the jury have pronounced a rational verdict; but the next objection to the plan rests on the assumption that juries are in the habit of giving most capricious verdicts, and that one jury will often give 5% or 10%, when another jury, on precisely similar facts, will award 50% or 500%. If this statement be true, it amounts to a very grave reflection on trial by jury, and it furnishes, to my mind, one of the strongest arguments in favour of a plan for transferring the settlement of "small disputes" to a less capricious tribunal. If such serious injustices be frequently done in the superior courts, it may be well worth while to try the effect of a court in which the litigants, if they think fit, can have the benefit of the opinion of a judge without the intervention of a jury. If the statement be not true—and I hope that it is not—*cadit questio*, the objection based upon it falls to the ground.

(To be continued).

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## GAZETTES.—FRIDAY, Aug. 3.

## BANKRUPTS.

- SAMUEL GAWAN**, Kent-street, Southwark, victualler, Aug. 11 at half-past 12, and Sept. 12 at 1, London: Off. Ass. Graham; Sol. Crafter, 168, Blackfriars-road.—Pet. f. July 31.
- JOSEPH HAYWARD**, Church-court, Old Jewry, dealer and chapman, Aug. 15 and Sept. 19 at 12, London: Off. Ass. Stansfeld; Sols. Linklaters & Co., 17, Sise-lane, Bucklersbury.—Pet. f. Aug. 2.
- VOHS SALMON**, Brick-lane, Spitalfields, shoe manufacturer, (trading under the style or firm of Salmon & Co.), Aug. 10 at 11, and Sept. 12 at half-past 2, London: Off. Ass. Graham; Sol. Frost, Watling-street.—Pet. f. July 3.
- WILLIAM TREGO**, Gunter's-grove, West Brompton, and Moor-park-terrace, King's-road, Fulham, builder, Aug. 16 at 2, and Sept. 18 at 1, London: Off. Ass. Edwards; Sols. Walters & Son, 36, Basinghall-street.—Pet. f. July 31.
- HERBERT GEORGE JAMES and JOHN JAMES**, Leadenhall-street, dealers and chapmen, Aug. 8 at 1, and Sept. 28 at 11, London: Off. Ass. Nicholson; Sol. Hewitt, 6, Nicholas-lane.—Pet. f. Aug. 1.
- WILLIAM SCUDDS**, Blackheath-park, Blackheath, livery-stable keeper, Aug. 11 at half-past 12, and Sept. 14 at 11, London: Off. Ass. Cannan; Sol. Atkinson, Quality-court, Chancery-lane.—Pet. f. Aug. 1.
- GEORGE PELL**, Welford, Northamptonshire, dealer and chapman, Aug. 15 and Sept. 14 at 1, London: Off. Ass. Whitmore; Sols. Linklaters & Co., 17, Sise-lane, Bucklersbury.—Pet. f. Aug. 2.
- WILLIAM THORNE**, Queen-street-place, London, and Connaught-terrace, Edgeware-road, and Barnstaple, Devonshire, dealer and chapman, Aug. 15 at 1, and Sept. 14 at 11, London: Off. Ass. Cannan; Sols. Linklaters & Co., 17, Sise-lane, Bucklersbury.—Pet. f. Aug. 2.
- JOSEPH PROFFITT**, Oldbury, Worcestershire, grocer, Aug. 17 and Sept. 7 at 11, Birmingham: Off. Ass. Whitmore; Sol. Reece, Birmingham.—Pet. d. July 28.
- JOHN SCOTT**, Nottingham, grocer, Aug. 14 and Sept. 4 at 10, Nottingham: Off. Ass. Harris; Sol. Wells, Nottingham.—Pet. d. Aug. 2.
- JAMES HALL**, Nottingham, dealer and chapman, Aug. 14 and Sept. 4 at 10, Nottingham: Off. Ass. Harris; Sols. Smith, Nottingham; Rushworth, Birmingham.—Pet. d. July 14.
- WALTER JAMES PALMER**, Bristol, cattle dealer, Aug. 13 and Sept. 11 at 11, Bristol: Off. Ass. Acraman; Sols. Birch & Davies, Newport, Monmouthshire; Bevan & Girling, Bristol.—Pet. f. July 20.
- JAMES MITCHELL**, Kighley, Yorkshire, worsted spinner, Aug. 17 and Sept. 28 at 11, Leeds: Off. Ass. Young; Sols. Bond & Barwick, Leeds.—Pet. d. July 30.
- JAMES WILSON**, Bowling, near Bradford, Yorkshire, inn-keeper, Aug. 14 and Sept. 4 at 11, Leeds: Off. Ass. Hope; Sols. Butler, Bradford; Bond & Barwick, Leeds.—Pet. d. Aug. 2.
- RICHARD HARDEY**, Kingston-upon-Hull, dealer and chapman, Aug. 15 and Sept. 12 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Holden & Sons, Hull.—Pet. d. July 19.
- GEORGE ARMITAGE, JOHN FRANKISH, WILLIAM FRANKISH, and THOMAS BARKER**, Sheffield, railway carriage manufacturers, Aug. 11 and Sept. 22 at 12, Sheffield: Off. Ass. Brewin; Sol. Unwin, Sheffield.—Pet. d. July 7.
- WILLIAM GREGORY**, Sheffield, toy manufacturer, Aug. 11 and Sept. 22 at 12, Sheffield: Off. Ass. Brewin; Sol. Unwin, Sheffield.—Pet. d. July 21.
- JOSEPH MEEKE**, Sheffield, draper, Aug. 11 and Sept. 22 at 12, Sheffield: Off. Ass. Brewin; Sol. Unwin, Sheffield.—Pet. d. July 28.
- BRYAN KIERNAN**, Manchester, dealer and chapman, Aug. 15 and Sept. 12 at 12, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Pet. f. July 30.
- JOSEPH TRAVIS**, Green-bridge, Cage-mill, and Bridge-end, Newchurch, Lancashire, dealer and chapman, Aug. 17 and Sept. 21 at 12, Manchester: Off. Ass. Herneman; Sols. Standing, jun., Rochdale; Hampson, Manchester.—Pet. f. July 30.

## MISTINGS.

**Nathaniel Nicholl**, Holborn-bridge, baker, Aug. 15 at 11, London, ch. ass.—**Joseph Douglas**, Summer-terrace, Brompton, apothecary, Aug. 20 at half-past 12, London, aud. ac.—**Henry Oppenheim**, Ramsgate, ship chandler, Aug. 20 at 12, London, aud. ac.—**Charles Blanks**, East Hanningfield, Essex, blacksmith, Aug. 20 at half-past 2, London, aud. ac.—**Francis Butler**, Berkeley-street, Clerkenwell, and High-street, Islington, baker, Aug. 20 at 2, London, aud. ac.—**Samuel Hodgson**, Great Marylebone-street, stationer, Aug. 21 at 11, London, aud. ac.—**Francis Parry M'Carty**, Beech-street, Barbican, metal dealer, Aug. 22 at 2, London, aud. ac.—**Christopher E. Bell**, Hounslow, coal merchant, Aug. 20 at 1, London, aud. ac.—**William Waddell**, Liverpool, merchant, Aug. 24 at 11, Liverpool, div.—**William Rennie, James Johnson, and William Rankin**, Liverpool, shipwrights, Aug. 24 at 11, Liverpool, first and fin. div. sep. est. of **William Rankin**; Aug. 30 at 11, div. joint est.—**Joseph Brooks**, Salford, grocer, Sept. 21 at 12, Manchester, div.—**Thomas Barnesley**, Ashton-under-Lyne, tailor, Sept. 21 at 12, Manchester, div.—**Wm. Pickup**, Blackburn, brickmaker, Aug. 24 at 12, Manchester, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**Henry Peaty**, Bristol, grocer, Sept. 3 at 11, Bristol.—**George Bell**, Holland-street, North Brixton, tailor, Aug. 24 at 12, London.—**Robert Todd** the elder, Westbourne-parvillas, Paddington, wine merchant, Aug. 25 at 12, London.—**Benjamin Kent**, Norfolk-street, Strand, hotel keeper, Aug. 24 at 11, London.—**Henry Beasley**, Ely, Cambridgeshire, ironmonger, Aug. 25 at half-past 11, London.—**Frederick Tully**, Upper Chadwell-street, Clerkenwell, and Crane-court, Fleet-street, printer, Aug. 27 at 2, London.—**Thos. Moroe**, North-terrace, South-street, Grosvenor-square, wine merchant, Aug. 27 at half-past 1, London.

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## TUESDAY, Aug. 7.

## BANKRUPTS.

- HENRY MILLER and WILLIAM HOOK**, Newport, Isle of Wight, dealers and chapmen, Aug. 18 at 12, and Sept. 22 at half-past 11, London: Off. Ass. Whitmore; Sols. Paffard & Co., Portsea; Ivimey, 30, Southampton-buildings.—Pet. f. Aug. 6.
- JOHN MINTER**, late of Folkestone, but now of Stock Orchard-crescent, Caledonian-road, Islington, dealer and chapman, Aug. 17 at 11, and Sept. 22 at half-past 12, London: Off. Ass. Cannan; Sol. Chidley, 19, Gresham-street.—Pet. f. Aug. 7.
- JAMES BARNEY**, Addle-street, Wood-street, warehouseman, Aug. 24 at half-past 11, and Sept. 22 at 11, London: Off. Ass. Cannan; Sol. Reed, 11, Ironmonger-lane.—Pet. f. Aug. 6.
- THOMAS GARDINER**, Paul-street, Finsbury, licensed victualler, Aug. 17 at 2, and Sept. 15 at half-past 1, London: Off. Ass. Cannan; Sols. Wright & Bonner, 15, London-street, Fenchurch-street.—Pet. f. Aug. 3.
- THOMAS HUTCHINS**, Hungerford, Berkshire, dealer and chapman, Aug. 15 and Sept. 14 at 2, London: Off. Ass. Whitmore; Sols. Bishop & Son, 23, New Bridge-street, Blackfriars.—Pet. f. Aug. 3.
- THOMAS FREER**, Leicester, wine merchant, Aug. 21 and Sept. 11 at 10, Nottingham: Off. Ass. Harris; Sol. Hawker, Leicester.—Pet. d. Aug. 6.

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## THE JURIST.

LONDON, AUGUST 11, 1855.

THE case of *Larpent and Others v. Bibby and Others*, decided on the 23rd of last month in the House of Lords, involved several important points upon those clauses of the Bankrupt-law Consolidation Act, 1849, which relate to arrangements by deed between a trader and his creditors. It will be remembered that this class of sections was framed for the purpose of bringing such arrangements within the operation and scope of the bankrupt laws without the publicity of bankruptcy: they introduced a new principle into the administration of affairs between debtor and creditor, by enabling a certain proportion of the creditors absolutely to bind others having a joint interest with themselves; and although it was to be worked out by a machinery well understood, and to be subject to analogies well established, the system has hitherto been regarded as an experiment by no means free from difficulty and danger. It has been frequently found in practice, that what was convenient for the parties did not appear to be sanctioned by the statute, and that what was clearly allowed by the statute did not suit the views of any of the parties concerned. We therefore welcome a decision of the highest legal tribunal upon the subject, although, like prior decisions in *pari materia*, it leaves several moot points undecided, and as doubtful as ever.

The clauses in question range from sect. 224 to sect. 229 inclusive. The 224th section is as follows:—"Every deed or memorandum of arrangement now or hereafter entered into between such trader\* and his creditors, and

\* See sect. 65, as to persons liable as traders to become bankrupt, to whom these words "such trader" apply.

signed by or on behalf of six-sevenths in number and value of those creditors whose debts amount to 10*l.* and upwards, touching such trader's liabilities and his release therefrom, and the distribution, inspection, conduct, management, and mode of winding up of his estate, or all or any of such matters, or any matter having reference thereto, shall, subject to the conditions hereinafter mentioned, be as effectual and obligatory in all respects, upon all the creditors who shall not have signed such deed or memorandum of arrangement, as if they had duly signed the same; and such deed or memorandum, when so signed, shall not be, or be liable to be, disturbed or impeached by reason of any prior or subsequent act of bankruptcy: provided always, that every creditor shall be accounted a creditor in value in respect of such amount only as upon an account fairly stated, after allowing the value of mortgaged property and other such available securities or liens from such trader, shall appear to be the balance due to him."

By sect. 225 such deed is not to be binding upon any creditor who has not signed it until after the expiration of three months from the time at which the creditor had notice from the trader of his suspension of payment and of such deed of arrangement, unless within such time the trader obtain an order or certificate of the Court that the deed has been duly signed\*; and no creditor who shall not have had fourteen days' notice of an intended application for the order or certificate shall be bound by it.

By sect. 228 the creditors are to have the same rights as to set-off, mutual credit, lien, and priority,

\* The granting of such certificate is a judicial act, and creditors may attend and put any relevant questions to the debtor. (*Ex parte Lawrence*, 14 Jur. 144; S. C., 19 L. J., Bank., 6).



and joint and separate assets are to be distributed in like manner as in bankruptcy.

The chief question which has arisen under these sections is, whether the deed, in order to be valid, must provide for the distribution of the whole of the trader's property, or whether the six-sevenths are not to exercise a discretion in this respect that shall bind the remaining creditors. After conflicting decisions, (*Drew v. Collins*, 6 Exch. 670; *Tesley v. Taylor*, 1 El. & Bl. 521; *Phillips v. Surridge*, 1 Lownd., M., & P. 458), it was decided by the Court of Exchequer Chamber that the deed must provide for the distribution of the whole of the trader's estate, as in bankruptcy. (*Tesley v. Taylor*, 1 El. & Bl. 521, 532; and see *Cooper v. Thornton*, Id. 544, and *Fisher v. Bell*, 12 C. B. 363). This question was also raised in the House of Lords, but it became unnecessary to decide it. Parke, B., however, said that there was some difference of opinion among the learned judges with regard to it, "although it was not at all unlikely that on further consideration they might all be of the same opinion."

Upon another question submitted to the judges they were unanimous, viz. that a deed of arrangement between a trader and his creditors, which had been completed in all respects, and under which his property had been conveyed before the Bankrupt-law Consolidation Act, 1849, came into operation, (11th October, 1849), was not a deed of arrangement within the meaning of the 224th section, nor could it be pleaded as a defence to an action brought by a creditor who had not signed it. That section, it was said, applied only to deeds executed after the act came into force, and perhaps also to deeds which were then in an inchoate state, as was intimated in *Wagh v. Middleton*, (8 Exch. 352). See also, as to the statute not being retrospective, *Marsh v. Higgins*, (1 Lownd., M., & P. 253).

It was suggested by the learned judges as being the true construction, that the word "now" in the section applies only to the words "memorandum of arrangement," and not to the word "deeds." But, at all events, it was said not to apply to a deed so far acted upon that a creditor, after the act came into operation, could not be put on an equal footing with those who had signed the deed, if he chose to come in under it; and it did not appear in the case before the House of Lords that the creditor, against whom the deed was set up, could then be placed in a position of equality. The deed bore date in 1847, and provided for the payment of a dividend in March, 1848; the material points in it were these:—It recited a meeting of the creditors held in the preceding October, at which it had been resolved that a deed of arrangement should be entered into; and then stated, that in pursuance of such resolution each of the partners in the debtors' firm covenanted that they would carry on business under the superintendence of certain inspectors appointed by the creditors. It then provided that the debtors should proceed to get in their estate and effects, and that the monies should be held by them in trust, in the first place, to pay the salaries of the clerks and other servants; secondly, to defray the expenses connected with the trust; and, thirdly, to pay dividends to creditors who had signed; and there was also a provision that these creditors who should subsequently come in under the deed should also receive dividends out of the estate, but so as not to disturb any previous dividends.

Another important question was raised in the case, viz. whether the deed was void as making the estate distributable among, not all the creditors, but those only who should execute the deed. The learned judges expressed a doubt on this point, Parke, B., stating that they should clearly have thought it void, except that such a deed is in practice common, and that in all cases of a conveyance for the benefit of creditors it is for the

distribution of the estate among the creditors parties to the deed. "But," his Lordship added, "if we cannot take notice of that, as probably we ought not, the deed is void on that account also."

It may be observed with reference to this part of the case, that a deed under the statute binds those who do not sign it, while an ordinary composition deed has a binding effect only on those who execute it. In the former case, therefore, there are strong reasons for saying that the distribution should be amongst all the creditors.

With reference to other points in the case his Lordship added, "It is unnecessary to say whether the notice of the deed simply, or notice of its having been executed by six-sevenths of the creditors, is requisite, or to decide upon the other objections to the plea, which are, however, probably unfounded."

WE cannot have expressed our meaning so clearly as we intended in our observations on *Watts v. Porter*, for a correspondent asks us whether that case may not be reconciled with *Whitworth v. Gaugain* by the consideration that notice is necessary to perfect a title to a chose in action by assignment, which was not done in *Watts v. Porter*, while in *Whitworth v. Gaugain* the equitable title of the mortgagee was perfect. The contention in *Whitworth v. Gaugain* was between a mortgagee who had an equitable title and a subsequent judgment creditor who had a legal title to whatever his judgment covered, which would prevail over the mortgagee's equitable title if it covered the mortgaged property. Lord Cottenham at first thought that the judgment and the mortgagee's title were in conflict; and if that had been so, of course the judgment would have prevailed; but that view was ultimately corrected, and it was held that the judgment only bound what the debtor had at the time, namely, the equity of redemption. In *Watts v. Porter* the contention was between a mortgagee of a chose in action who had not given notice to the trustees, and a subsequent judgment creditor who obtained a charging order, and by giving notice to the trustees acquired a title which would prevail over that of the mortgagee, so far as they were inconsistent. The only question was, did the judgment or the charging order bind more than that which belonged to the debtor at the time, namely, the equity of redemption. *Whitworth v. Gaugain* decided that it did not—*Watts v. Porter* decided that it did; and the two cases are, therefore, in conflict. The Court expressly stated that they put the same construction on the 13th as on the 14th section of the act. The mistake of the Court of Queen's Bench consisted rather in supposing that the judgment and charging order had the same effect that an express charge of the property as unincumbered would have had, than in a misapprehension of the doctrine of *Dearle v. Hall*, &c. Lord Campbell's remarks on the impropriety of interpolating the word "honestly" in the act of Parliament are as inconsistent with the doctrine of *Whitworth v. Gaugain* as they are startling to the moral instincts of common men. The Court did not deny that the mortgagee obtained a title without giving notice, but said that his title would be postponed to a subsequent title to the same thing perfected by notice; all of which was undeniable elementary law; but they added, overruling *Whitworth v. Gaugain*, that the judgment and charging order gave a title to a thing which did not at the time belong to the mortgagor. When the Courts speak of perfecting a title to a chose in action by giving notice, they merely mean making it safe against a subsequent assignee who bargains for the same thing. When the statute gives a judgment creditor a charge on the debtor's property, it is generally thought not to mean property which he has previously sold to another.



After the above remarks were written we received the letter which we print below. Our correspondent will see that we dissent from his first proposition. The case he puts of a mortgage to A., who gives no notice, followed by a judgment and charging order in favour of B. duly notified, and that followed by an actual mortgage to C., who takes without notice of A.'s title, and gives notice to the trustee, seems to us to present no difficulty. Suppose A.'s mortgage to be for 1000*l.*, and C.'s 800*l.*: in that case C. would stand in the place of A. to the extent of 800*l.*, and A. would come next for the remaining 200*l.*; after which the judgment creditor would come in; and if C.'s charge were the larger—say 1200*l.*—then C. would stand in A.'s place to the extent of A.'s charge, and as to the remaining 200*l.*, would come after the judgment creditor.

We repeat that the whole question is, whether the statute is intended honestly to charge only what belongs to the debtor, or, as Lord Campbell prefers to read it, dishonestly to charge what belongs to another.

#### NOTES ON RECENT STATUTES.

By the stat. 18 & 19 Vict. c. 51, the jurisdiction of the ecclesiastical courts in suits for defamation is abolished, and persons in custody for defamation under the order of any ecclesiastical court are to be discharged; but such order is not to be made unless the costs incurred in the suit are paid, or unless the person against whom such costs have been decreed has already suffered imprisonment for one month in consequence of the non-payment thereof.

The stat. 18 & 19 Vict. c. 67, (Bills of Exchange and Promissory Notes Act), comes into force on the 24th October next, and provides a summary proceeding by which judgment may be obtained on personal service of a special writ of summons, unless the defendant pay into court the sum indorsed on the writ, or shew a defence on the merits to the satisfaction of a judge.

#### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—I venture to dissent from your article in the last JURIST (ante, p. 313) on the case of *Watts v. Porter*. The following reasons seem to me to establish the correctness of the decision pronounced by the majority of the judges.

The stat. 1 & 2 Vict. c. 110, s. 14, empowers a judge to order that stock standing in the name of a judgment debtor in his own right, or in the name of any person in trust for him, shall stand charged with the amount of the judgment recovered against him; and having thus provided for the creation of a charge, it goes on to declare the remedies incident to it, viz. all such remedies as the creditor would have been entitled to if the charge had been made by the debtor in person. The latter of these provisions seems to me to be of minor importance; it merely furnishes the means by which the benefit of the charge is to be obtained. It is the former provision which creates the charge itself.

Now, when a charging order has been made, a *de facto* charge is constituted. Upon what? Upon the stock. So says the act. But suppose the judgment debtor, being *cestui que trust* of the stock, has mortgaged it, what does the charge take effect upon? Still, I say, upon the stock, but upon stock which is subject to a mortgage. It is not merely a charge upon so much stock as might remain after deducting the amount of the mortgage. The mortgage might be paid off, and then the charge would clearly affect the whole fund.

Thus far, I believe, we shall agree—at least, in substance. But then observe the distinction between the two cases, of a mortgage of which notice has been given

to the trustee, and one of which no such notice has been given. In the former case the judgment creditor has obtained his charge subject to a mortgage, the priority of which is fixed and indefeasible. In the latter case he takes subject to a mortgage which is liable to be postponed (by act subsequent) in favour of a new chargee using greater diligence than the mortgagee. This would clearly be the case in favour of an actual chargee under the hand of the judgment debtor, and I am at a loss to see why it should be otherwise with reference to the statutory chargee; nor can I discover how the priorities of the parties could possibly be settled if the third incumbrancer could claim to stand above the first, while the second was postponed to the first, but not to the third.

The real question is not so much one of construction of a statute, as a question of equity applied to the new circumstances created by the statute. A statutory charge being created, is it or is it not according to equity that this new charge should be subject to the same rules as to diligence and priority as other charges? Are not the same reasons applicable to both? and would it not be most inconvenient to act upon a new rule? Surely it would be very dangerous to exempt the judgment creditor from the necessity of giving notice of his charge in order to secure his priority over a subsequent incumbrancer; and if so, he could not in fairness be deprived of a corresponding advantage as against an earlier incumbrancer.

A BARRISTER.

MR. TIDD PRATT has written the following letter, dated the 27th July, to the editor of *The Times* upon the new statute relating to friendly societies:—

"Sir,—Through the medium of your columns I would call the particular attention of the members of friendly societies to some of the provisions of the new Friendly Society Act, 18 & 19 Vict. c. 63, which received the royal assent on the 23rd inst., and is to come into operation on the 1st August.

"By the 18 & 19 Vict. c. 63, all the previous acts relating to these societies are repealed, except as to subsisting societies, although nearly the whole of the sections are made applicable to such societies.

"Friendly societies in future can only be established—

"1. For insuring a sum of money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the wife or child of a member.

"2. For the relief or maintenance of the members, their husbands, wives, children, brothers or sisters, nephews or nieces, in old age, sickness, or widowhood, or the endowment of members, or nominees of members, at any age.

"3. For any purpose which shall be authorised by one of her Majesty's Principal Secretaries of State, or in Scotland by the Lord Advocate, as a purpose to which the powers and facilities of the act ought to be extended; and the sum to be assured on any contingency is increased to 200*l.*, but no annuity is to exceed 30*l.* per annum.

"No money is to be paid for the funeral expenses of a child except upon production of a copy of the entry on the register of deaths; and if such entry shall not state that the cause of death has been certified by a qualified medical practitioner, then a certificate signed by a qualified medical practitioner, stating the probable cause of death, shall be required; and the sum payable for the funeral expenses of a child under five not to exceed 6*l.*, and of a child between five and ten not to exceed 10*l.*

"By sect. 16 the trustees of a friendly society may purchase, build, hire, or take on lease any building for the purpose of holding the meetings of the society.

"By sect. 24 a remedy is given, by application to

justices, against any officer, &c. who shall wilfully apply any part of the funds to purposes other than those expressed or directed in the rules.

"A provision is made against circulating copies of rules or alterations as being certified by the registrar, when they have not been so certified.

"By sect. 32 further facilities (than those in the former acts) of investing the funds of friendly societies are given, as well as, by sect. 33, extended powers to the registrar to order the transfer of stock and money in savings banks when a trustee is absent from England, &c., or has been removed from office, &c.

"With respect to the settlement of disputes, considerable alteration has been made in the law. The rules may direct the manner in which disputes between a member, or person claiming on account of a member, or under the rules, shall be decided; and the mode of enforcing the decision of the arbitrators, or of deciding disputes if no award is made &c., is by application to the county court; and after the 1st August next the power of justices to decide disputes, under rules which referred the decision to them, is taken away; and such disputes must, after that day, be referred to and decided by the county courts.

"By sect. 45 every society already or hereafter established is once in every year, in the month of January, February, or March, to transmit to the registrar a general statement of the funds and effects of such society during the past twelve months, or a copy of their last annual report.

"This provision supersedes the necessity of the annual return, required under the repealed acts, being sent to the registrar.

"In the case of a member in the militia serving out of the United Kingdom, the society have power in certain cases to demand an extra contribution during such service. (Sect. 47).

"There are no fees payable to the registrar for his certificate to rules or alterations after the 1st August next; and I am preparing a form of those rules required by the 18 & 19 Vict. c. 63, s. 25, which may shortly be obtained on application to me by letter prepaid.

"The importance of the subject must be my excuse for the length of this letter.

"JOHN TIDD PRATT."

## FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 316).

### OBSERVATIONS BY MR. TAYLOR—(Continued).

The only remaining objection is, that actions on tort are sometimes brought, not so much with the view of recovering substantial damages, as in order to vindicate the plaintiff's character by a public investigation; and that in these cases it would be unjust to deprive the plaintiff of costs merely because he did not obtain that which he never sought to obtain—a verdict for more than 20*l*.

This objection is open to several satisfactory answers. First, the cases are extremely rare in which character is sought to be vindicated in any form of action for tort over which the county court has jurisdiction.

Next, it may reasonably be urged that a trial in a county court affords in general as good an opportunity for vindicating character as a trial at the assizes.

The town in which the county court is held is usually nearer to the residence of the parties than the assize town is; the trial takes place sooner after the injury was inflicted; and the audience, especially in "small disputes," is more likely to consist of the personal friends and acquaintances of the litigants. In all these points, therefore, the county court has an advantage over the Court of Nisi Prius.

But assuming that the case were one in which the plaintiff could best attain his object of vindicating his character by a trial at the assizes, the judge would have no difficulty in granting a certificate, and thus the anticipated evil would fall to the ground.

For these reasons I think that the above objections to the plan are untenable, and I am not aware that any others have been urged.

*Concurrent Jurisdiction of Superior Courts and County Courts where Parties live more than twenty Miles apart, &c.*—The Report, (see ante, p. 264), after recommending that the rule depriving plaintiffs of costs in the superior courts should be extended to judgments by default, proceeds thus:—

"This deprivation of costs, however, we propose should be subject to the exceptions contained in sect. 128 of the 9 & 10 Vict. c. 95, where the parties reside more than twenty miles apart, or the other circumstances contemplated by the section exist."

The above passage contains an indirect proposal to retain the law as laid down in sect. 128 of the County Court Act. From that proposal I dissent.

When the county courts were first established, it became a question of no trifling importance to determine in what district the trials should be held. Several alternatives were suggested. The cause might be heard either where the plaintiff lived or where the defendant lived, or the plaintiff might be the dominus litis, as in the superior courts, and be entitled to bring his action in whatever county court he thought fit, the defendant being at liberty to change the venue on sufficient grounds. After much deliberation, it was deemed expedient to enact, as a general rule, that the summons should issue in the district in which the defendant dwelt or carried on his business; but as it was felt that this rule would operate prejudicially to creditors who might either happen to reside at a great distance from their debtors, or who might have sold their goods in some district other than that in which their debtors live, an attempt was made to palliate the inconvenience by enacting, in sect. 128, that "where the plaintiff dwells more than twenty miles from the defendant, or where the cause of action did not arise wholly or in some material point within the jurisdiction of the court within which the defendant dwells or carries on his business, the action may be brought in the superior court, as if the act had not been passed."

The effect of this enactment is to confer on the superior courts a concurrent jurisdiction with the county courts in all cases where the parties dwell more than twenty miles apart, or where the cause of action arose either wholly or in part out of the jurisdiction of the district in which the defendant lives or conducts his business. In other words, the plaintiff who sues under these circumstances in any superior court will be entitled to his costs, although he recovers less than 20*l*. in an action on contract, or less than 5*l*. in an action on tort. Now, it appears to me that this is a very serious evil. So far as sect. 128 operates, it perpetuates the abuses which the establishment of the county courts was intended to remedy. The object of the county court system was to relieve suitors from the heavy costs of litigation in the superior courts where the matter in dispute was of small amount. That object is defeated by the enactment in question. The inconvenience which it was intended to meet may, in my opinion, be obviated without any of this costly machinery. My plan is as follows:—I propose to repeal so much of sect. 128 as is cited above, and in lieu thereof to enact, that in the cases there suggested the plaintiff shall have the option of suing in whatever county court he thinks fit, but that the court in which he elects to sue shall be empowered to change the venue at the instance of the defendant on special grounds.

(To be continued).

**WILLIAM OSLER**, Earl-street, Finsbury-square, dealer and chapman, Aug. 15 at half-past 12, and Sept. 15 at 2, London: Off. Ass. Whitmore; Sol. Jones, 9, Quality-court, Chancery-lane.—Pet. f. July 30.

**JOHN WILLIAM PHILIP GRAHAM**, King's-road, Chelsea, dealer and chapman, Aug. 14 at half-past 11, and Sept. 28 at 2, London: Off. Ass. Pennell; Sol. Ellis, Cowper-court, Cornhill.—Pet. f. Aug. 3.

**JAMES GUTTERIDGE**, Elizabeth-street, Eaton-square, dealer and chapman, Aug. 14 and Sept. 28 at 1, London: Off. Ass. Pennell; Sols. Lofty & Co., 36, King-street, Cheapside.—Pet. f. July 25.

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**JAMES POTTS**, Monks Copenhall, Cheshire, brickmaker, Aug. 20 at 12, and Sept. 10 at 11, Liverpool: Off. Ass. Casenove; Sols. Broughton & Co., Nantwich and Crewe, Cheshire.—Pet. f. July 30.

**SOLOMON CLEGG and JAMES FOX**, Newcastle-upon-Tyne, dealers and chapmen, Aug. 17 at 11, and Oct. 2 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Watson, Newcastle-upon-Tyne; Shield & Harwood, 10, Clement's-lane, Lombard-street.—Pet. f. Aug. 1.

#### MEETINGS.

*Thomas Hutchings*, Park-street, Westminster, and Great Grimby, Lincolnshire, and Anston, Yorkshire, railway contractor, Aug. 17 at half-past 12, London, pr. d.—*W. Needham and S. White*, Friday-street, Cheapside, velvet manufacturers, Aug. 23 at half-past 12, London, last ex.—*J. Horrocks*, Salford, grocer, Aug. 29 at 12, Manchester, last ex.—*George Newman*, Stratford-place, Camden-town, builder, Aug. 18 at 11, London, aud. ac.—*George Edward Neal*, Pembury, Kent, innkeeper, Aug. 17 at half-past 1, London, aud. ac.—*Patrick Fenn*, Brecknock-place, Camden-town, linendraper, Aug. 17 at half-past 1, London, aud. ac.—*Johs Vosse*, Surrey-place, Old Kent-road, oilman, Aug. 23 at 12, London, aud. ac.—*Johs Peinton*, Monks Copenhall, Cheshire, innkeeper, Aug. 21 at 11, Liverpool, aud. ac.—*Joseph Jackson*, Liverpool, draper, Aug. 16 at 11, Liverpool, aud. ac.—*Benj. Newton*, Brighton, brush manufacturer, Aug. 28 at 1, London, div.—*J. Crouch and Job Crouch*, Wimbledon, builders, Aug. 28 at 2, London, div.—*Francis Edward Bingley*, Grove-terrace, St. John's-wood, and Somerset-terrace, Piccadilly, sharebroker, Aug. 28 at 12, London, div.—*Wm. West and Johs West*, Donnington, Lincolnshire, linendrapers, Aug. 28 at 2, London, div.—*Patrick Hayes*, Widnes, Lancashire, oil manufacturer, Aug. 29 at 12, Liverpool, fin. div.—*Patrick Shanley*, Manchester, boot and shoe dealer, Aug. 29 at 12, Manchester, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Wm. Baker*, Cumberland-market, Middlesex, licensed victualler, Aug. 28 at 12, London.—*Jonathan Smart*, Saffron Walden, Essex, cabinet maker, Aug. 28 at 1, London.—*Johs Mayhew*, Clarence-villas, Mortimer-road, De Beauvoir-town, Kingsland, and Lendenhall-street, mine share dealer, Aug. 29 at 12, London.—*Frederick Traynell*, Bristol, timber merchant, Sept. 4 at 11, Bristol.—*Johs Brooks*, Weston-super-Mare, Somersetshire, wine merchant, Sept. 3 at 11, Bristol.—*Johs Darcy and Richard Dierden*, Sutton, Lancashire, alkali manufacturers, Aug. 29 at 11, Liverpool.—*J. Bentley Carr*, Ashton-under-Lyne, Lancashire, brewer, Aug. 31 at 12, Manchester.—*Johs H. Moore*, Kingston-upon-Hull, joiner, Sept. 12 at 12, Kingston-upon-Hull.—*George Edwards*, Oldswinford, Worcestershire, licensed victualler, Sept. 10 at half-past 10, Birmingham.—*Johs Blakeway*, Birmingham, lamp manufacturer, Sept. 10 at half-past 10, Birmingham.

*To be granted, unless an appeal be duly entered.*

*W. Harding*, Great Saffron-hill, Holborn, baker.—*Joshua Monckton*, King-st., Baker st., licensed victualler.—*William Fitch*, Old Fish-st.-hill, Upper Thames-street, wholesale stationer.—*Frederick Dawson Hiorns*, Coventry, ironmonger.—*Peregrine Joyce*, Worcester, commission agent.—*T. Spurrier*, Walsall, Staffordshire, maltster.—*Thos. Medding*, Chadwell Court Mill, Staffordshire, miller.—*Wm. Butcher*, Lichfield, Staffordshire, coach builder.—*Wm. Tomkys*, Wolverhampton, plumber.

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# The Jurist

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AUGUST 18, 1855.

PRICE 1s.

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## GAZETTES.—FRIDAY, Aug. 10.

## BANKRUPTS.

- THOMAS CHATTERTON**, Rye, Sussex, dealer and chapman, Aug. 18 at half-past 12, and Sept. 22 at half-past 1, London: Off. Ass. Whitmore; Sols. Lovell & Co., 14, South-square, Gray's-inn.—Pet. f. Aug. 8.
- SAMUEL WILLIAM PARTRIDGE** and **DANIEL FRANCIS OAKLEY**, Paternoster-row, dealers and chapmen, Aug. 18 at 1, and Sept. 27 at half-past 12, London: Off. Ass. Cannan; Sols. Turnley & Luscombe, 38, Cannon-street.—Pet. f. Aug. 9.
- THOMAS LEIGH**, Wellingborough, Northamptonshire, dealer and chapman, Aug. 18 at half-past 1, and Sept. 29 at 11, London: Off. Ass. Cannan; Sol. Brisley, 4, Pancras-lane, Chesham.—Pet. f. Aug. 9.
- JOSEPH MOSES**, Lambeth Lower Marsh, dealer and chapman, Aug. 18 at half-past 1, and Sept. 29 at 12, London: Off. Ass. Whitmore; Sol. Catlin, 22, Ely-place, Holborn.—Pet. f. Aug. 9.
- WILLIAM LYNALL THOMAS**, formerly of Cross-street, Finsbury, cowkeeper, (in co-partnership with James Plimpton, under the firm of Plimpton & Co.), but now of Chapel-place, Cavendish-square, out of business, (a prisoner for debt in the Queen's Prison), Aug. 17 at 11, and Sept. 29 at half-past 11, London: Off. Ass. Cannan; Sol. Sadgrove, 64, Mark-lane.—Pet. f. Aug. 9.
- HUGH WELCH COOPER**, Wakefield-street, Regent-street, builder, and New Oxford-street, licensed victualler, Aug. 25 at 1, and Sept. 27 at half-past 11, London: Off. Ass. Pennell; Sol. Harris, Moorgate-street.—Pet. f. July 24.
- THOMAS CORAH**, Nottingham, dealer and chapman, Aug. 21 and Sept. 18 at 10, Nottingham: Off. Ass. Harris; Sol. Hunt, Nottingham.—Pet. d. Aug. 8.
- JAMES HAYWOOD**, Derby, ironfounder, Aug. 21 and Oct. 2 at 10, Nottingham: Off. Ass. Harris; Sols. Huish & Helm, Derby; Motteram & Knight, Birmingham.—Pet. d. Aug. 7.
- CHARLES PARSONS**, Frome, Somersetshire, dealer and chapman, Aug. 21 and Sept. 18 at 11, Bristol: Off. Ass. Miffler; Sols. Brittan & Son, Bristol; Jones, 15, Sise-lane.—Pet. f. Aug. 1.
- THOMAS WILSON**, Manchester, (but now a prisoner for debt in her Majesty's Gaol of Lancaster), dealer and chapman, Aug. 22 and Sept. 14 at 12, Manchester: Off. Ass. Pott; Sols. Clough, Huddersfield; Higson & Robinson, Manchester.—Pet. f. Aug. 1.
- THOMAS DIXON**, Crook, Durham, grocer, Aug. 21 at 11, and Oct. 2 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Watson, Newcastle-upon-Tyne; Shield & Harwood, 10, Clement's-lane, Lombard-street.—Pet. f. Aug. 7.
- JOHN WINSPEARE**, Middleton, Stranton, Durham, dealer and chapman, Aug. 17 at 12, and Oct. 2 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Newby & Richmond, Stockton-upon-Tees; Griffith & Crighton, Newcastle-upon-Tyne.—Pet. f. Aug. 6.

## MEETINGS.

*Wm. Waddell*, Liverpool, merchant, Aug. 23 at 11, Liverpool, and. ac.—*William Rennie*, *James Johnson*, and *William Rankin*, Liverpool, shipwrights, Aug. 23 at 11, Liverpool, and. ac. joint est., and sep. est. of *Wm. Rankin*.—*P. Shanley*, Manchester, shoe dealer, Aug. 22 at 12, Manchester, and. ac.—*Daniel J. Fynney*, Liverpool, corn merchant, Aug. 31 at 11, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*George Smith Stradder*, Lancelot-place, Trevor-square, Knightsbridge, builder, Aug. 31 at half-past 1, London.—*John Turner*, Bunhill-row, machine maker, Aug. 31 at half-past 1, London.—*Wm. Cockell*, Battersea, licensed victualler, Sept. 1 at 11, London.—*Joseph Jackson*, Liverpool, draper, Aug. 31 at 11, Liverpool.—*Robert Lambert*, Liverpool, outfitter, Aug. 31 at 11, Liverpool.—*William Jones*, Ewloe, Hawarden, Flintshire, licensed victualler, Aug. 31 at 11, Liverpool.—*John Christie*, Accrington, Lancashire, ironfounder, Oct. 4 at 12, Manchester.—*J. T. Robson*, Derby, silk manufacturer, Oct. 9 at half-past 10, Birmingham.—*David Rolla-*

*son and Benjamin Rollason*, Bilston, Staffordshire, ironmasters, Sept. 10 at half-past 11, Birmingham.—*T. Parion*, Ruyton, Eleven Towns, Shropshire, licensed victualler, Sept. 10 at half-past 10, Birmingham.—*D. Foster*, Goole, Yorkshire, ironmonger, Sept. 3 at 12, Leeds.—*H. Thompson*, Ilkestone, Derbyshire, woollendrapers, Oct. 9 at half-past 10, Birmingham.

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- JOHN FIELD**, Burnham Westgate, Norfolk, draper, Aug. 25 at half-past 1, and Sept. 27 at 2, London: Off. Ass. Whitmore; Sols. Sole & Co., 68, Aldermanbury.—Pet. f. July 31.
- CHARLES MERIT RIGG**, late of Crane-grove, Albion-road, Holloway, but now of Upper Stamford-street, Blackfriars, apothecary, Aug. 24 at half-past 1, and Sept. 29 at half-past 12, London: Off. Ass. Whitmore; Sols. Messrs. Hopgood, King William-street, Strand.—Pet. f. Aug. 10.
- JOHN GROVER**, Strand, dealer and chapman, (trading under the style or firm of Grover & Co., and also trading under the style or firm of Measam & Co.), Aug. 23 and Sept. 25 at half-past 11, London: Off. Ass. Whitmore; Sol. Heathfield, 19, Lincoln's-inn-fields.—Pet. f. Aug. 13.
- WILLIAM CHARLES GOODE**, High-street, Borough, dealer and chapman, Aug. 31 at 12, and Sept. 27 at 11, London: Off. Ass. Cannan; Sols. Linklaters & Hackwood, 17, Sise-lane, Bucklersbury.—Pet. f. Aug. 14.
- CHARLES HORSNELL**, Chelmsford, dealer and chapman, Aug. 24 at 2, and Sept. 28 at half-past 12, London: Off. Ass. Whitmore; Sols. Goddard & Eyre, 101, Wood-street.—Pet. f. Aug. 13.
- WILLIAM FAIREY**, Bedford, provision merchant, Aug. 31 at 2, and Oct. 2 at 12, London: Off. Ass. Nicholson; Sols. Haxby, Leicester; Sole & Co., 68, Aldermanbury.—Pet. f. Aug. 4.
- JOSEPH SPENCER**, Bilston, Staffordshire, ironfounder, Aug. 25 and Sept. 22 at 11, Birmingham: Off. Ass. Whitmore; Sols. Deakin & Dent, Wolverhampton; James, Birmingham.—Pet. d. Aug. 8.
- SAMUEL FENN** and **JOSEPH FENN**, Birmingham, tailors, Aug. 25 and Sept. 21 at 11, Birmingham: Off. Ass. Whitmore; Sol. Smith, Birmingham.—Pet. d. May 16.
- JOHN MONK** and **THOMAS MONK**, Tipton, Staffordshire, boiler makers, Aug. 25 and Sept. 22 at 11, Birmingham: Off. Ass. Christie; Sols. Duignan & Hemmant, Wall-sall; E. & H. Wright, Birmingham.—Pet. d. June 26.
- CHARLES PHILLIPS**, Weston-super-Mare and Burnham, Somersetshire, tile manufacturer, Aug. 28 and Sept. 25 at 11, Bristol: Off. Ass. Miller; Sols. Bervan & Girling, Bristol.—Pet. f. Aug. 10.
- RICHARD GOODACRE**, Nottingham, grocer, Sept. 4 and 25 at 10, Nottingham: Off. Ass. Harris; Sol. Clarke, Nottingham.—Pet. d. Aug. 2.

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## THE JURIST.

LONDON, AUGUST 18, 1855.

THE practical result of the famous clauses in the Common-law Procedure Act, 1854, allowing equitable defences to be pleaded in actions at law, appears at present to be this:—The Courts of Queen's Bench and Exchequer require that the facts set forth in the plea should be such as would entitle the defendant to an unconditional and perpetual injunction in the Courts of Chancery, otherwise they will not allow the plea. The Court of Common Pleas, however, does not go so far as to disallow a plea shewing grounds only for a conditional injunction, but permits it to be placed upon the record, for the purpose of having the construction of the statute in this respect settled in a more solemn manner. The question is one of considerable difficulty, as well as of great importance. The language of the statute throws little light upon the point; it mentions neither conditional nor unconditional injunctions, but allows a defendant to plead facts, which, if judgment were obtained in the action, would entitle him to "relief against such judgment on equitable grounds," (sect. 83); and while, on the one hand, to hold that the relief must be unconditional tends to narrow the operation of the statute, on the other it is difficult to see how the Courts of common law, with their present system of procedure, can introduce conditions into their judgments which must be performed before the absolute remedy sought by the action can be attained, or the defence set up be rendered complete. Analogous proceedings, however, do exist in our common-law system: rules of court and writs of mandamus command acts to be performed, and impose conditions which may be enforced by attachment; the judgment in detinue is for the recovery of the goods claimed, or for their value; and now the court or a

judge has power to order execution to issue for the return of the goods, without giving the defendant the option of retaining them upon paying the value assessed; and this rule may be enforced by process in the nature of a distress infinite. (See Common-law Procedure Act, 1854, sect. 78). In replevin also it is part of the judgment for the defendant that he should have a return of the goods replevied. It would not be departing very far from these precedents were the Courts to introduce into their judgments certain conditions to be performed—e. g. the execution of a deed or the reformation of a contract—before the successful party should be entitled to the full benefit of the verdict in his favour. If the learned judges feel that they have no power to mould their procedure for this purpose, a short act of Parliament would very soon obviate the difficulty.

We propose now briefly to consider the cases hitherto decided upon the subject, which will shew the views entertained with regard to it by our common-law as well as equity judges. In *The Mines Royal Society v. Magnay* (10 Exch. 489) a plea to an action for rent, shewing an agreement for a surrender of the lease, was disallowed, upon the ground that a Court of equity would have required the defendant to execute an actual surrender. Parke, B., there said, "In my opinion the equitable defence allowed to be pleaded by this statute means such a defence as would in a court of equity be a complete answer to the plaintiff's claim, and would, as such, afford sufficient ground for a perpetual injunction, granted absolutely, and without any conditions. But according to the statement in the plea, a Court of equity would not interfere, except upon the condition of the execution of a valid surrender by the defendant. We have no machinery by which we can compel the execution of a surrender." The defendant thereupon filed his bill, and moved for an injunction to restrain the action, upon the same grounds as those



contained in his plea. The injunction was granted upon the terms of his paying into court the amount claimed by the plaintiffs until the hearing of the cause. (*Magnay v. The Mines Royal Society*, 24 L. J., Ch., 413).

In accordance with their former holding, the Court of Exchequer allowed an equitable defence to be pleaded, with other pleas, (upon an affidavit of their truth), upon the ground that the facts alleged would entitle the defendant to an unconditional injunction in equity. (*Steele v. Haddock*, 10 Exch. 643). The Court of Queen's Bench have expressed an opinion similar to that of the Court of Exchequer, and decided, on demurrer, that a plea shewing grounds only for a temporary or conditional injunction was bad. Lord Campbell, C. J., said, "If the injunction is to be temporary or conditional in equity, at common law, we have no such judgment; and as we have no analogous judgment, we could not attempt to do justice between the parties without pronouncing, instead of a common-law judgment, an equitable decree; but we have no warrant to pronounce such a decree. . . . We cannot enter into equities and cross equities; we should, therefore, be unable to determine the fit conditions on which relief should be given. No power is conferred on us to pronounce a conditional judgment, and no process is provided by which we could enforce performance of this condition." (*Woodhouse v. Farebrother*, June 19, 1855; 25, Law T. 197). But in the Court of Common Pleas, Crowder, J., intimated that this was a narrow construction of the act; and the Court allowed a plea, open to this objection, to be placed upon the record, without expressing any opinion as to its ultimate fate upon demurrer, or in a court of error. (*Chilton v. Carrington*, 16 C. B. 206). To these may be added the case of *Farebrother v. Welchman*, (24 L. J., Ch., 410), before Sir R. T. Kindersley, V. C. There an action had been brought by the executor of a lunatic against an auctioneer to recover the proceeds of a sale of the lunatic's property, which the auctioneer had been employed to sell by the agent of the committee. The defendant pleaded equitable pleas of set-off, (shewing payments to and for the committee), and then filed a bill for an injunction, setting up the same case as in his pleas, and alleging complicated accounts. The Vice-Chancellor held, however, that there was nothing to shew that these accounts could not be taken at law, and that the pleas must be taken as shewing a good equitable defence to the action; and he refused the injunction, with costs.

Before quitting this subject, reference should be made to a decision closely connected with it. The Common-law Procedure Act, 1852, enacted, that in ejectment an issue might be made up at once, "without any pleadings," (sect. 178); but by the Common-law Procedure Act, 1854, sect. 83, it was enacted that it should be lawful for the defendant "in any cause" to plead an equitable defence. A defendant in ejectment applied for leave to plead an equitable defence, but the Court of Common Pleas held that the former statute had abolished all pleadings in such an action, and that it was not affected by the subsequent statute. (*Neave v. Asery*, June 8, 1855; 1 Jur., N. S., part 1, p. 675).

## NOTES OF THE WEEK.

THE royal assent was given on Tuesday, the 14th inst., to the following (among many other) bills:—

- Limited Liability.
- Criminal Justice.
- Metropolitan Local Management.
- Dispatch of Business (Chancery).
- Bills of Lading.
- Merchant Shipping Amendment.
- Youthful Offenders.
- Lunatic Asylums Amendment.
- Coal Mines Inspection.
- Sale of Beer.
- Charitable Trust.
- Public Health.
- Dwellings for the Labouring Classes.
- Burials.

Lord St. Leonards, Lord Campbell, and the Lord Chancellor stated in the House of Lords on the 13th inst. that they dissented from the opinion expressed by the Solicitor-General in the House of Commons, that the House of Lords was an incompetent tribunal as a court of appellate jurisdiction.

## Correspondence.

### WATTS v. PORTER.

TO THE EDITOR OF "THE JURIST."

SIR,—I hope you will be able to find room in THE JURIST for the following observations in support of my view of *Watts v. Porter*. If not, I must be content with submitting them to your private consideration.

My proposition is, that the charging order creates a charge upon the stock, but subject to the existing mortgage. It is upon the whole stock, viz. a specific property of which the mortgagor is the "owner in equity," and as to which the mortgagee has only a security, and not an ownership. The thing, therefore, which "belonged to the mortgagor at the time" of the charging order was stock, but stock in a particular predicament. This is in exact accordance with *Whitworth v. Gaugain*. But I apprehend that neither that case nor any other supports the idea that a mortgagor, quoad the thing mortgaged, is owner of only a part of it, either definite or indefinite. The term "equity of redemption" is a useful conventional expression, but is more descriptive of the rights of the mortgagor with reference to property than a definition of the property itself. It never was understood as referring to "the thing mortgaged, minus the amount of the mortgage money, or an equivalent to it."

Whether the mortgagor makes a subsequent charge, or a judge makes it for him, appears to me to make no difference with regard to the question, what is the subject of charge? Even in the former case I conceive it would be quite correct to say, that the mortgagor could only charge "that which belonged to him at the time." As soon as he has charged it, (call it what you will—whether equity of redemption or anything else), the effect is, that the new charge at once stands paise to the antecedent mortgage. But if the new charge afterwards gives notice to the trustee before the prior mortgagee has done so, the Court of Chancery will act against the fund in the same manner as if the mortgagor had at the time of the charge possessed, not an incumbered fund or equity of redemption, but a free fund or mere sum of stock. Whichever form of language you prefer, the effect is the same, and that effect is to give priority to the later incumbrancer. It is the act subsequent, and not the charge, that occasions the trans-

mutation. What I demand is, that the like rules of equity should be applied to the statutory charge as to the personal charge, both being at first puisne charges, but rendered paramount by the superior diligence of those who have obtained them.

I cannot think you rightly appreciate *Whitworth v. Gaugain*. In that case the creditor, in his character of chargee, was subsequent in date to the mortgagee, both securities being equitable, and no question of notice involved. So far, therefore, priority of date of course prevailed. The important question there decided (upon the stat. 1 & 2 Vict. c. 110) was, that the judgment creditor in respect of his *legit* should stand in the same position as before the statute. No such question arose in *Watts v. Porter*, nor did any question of notice arise in *Whitworth v. Gaugain*. The materials and principles of those cases were different from each other.

One word as to the "honesty." This scruple seems to have arisen from the fact that the statute gives the same "remedies" as if the debtor himself had executed the charge; whence it is inferred that the Legislature must have referred to such a charge as the debtor could execute without fraud. But I maintain that the word "remedies" relates merely to modes of proceeding for redress, e. g. filing a bill for foreclosure—a point quite collateral to the question of priority. If so, the argument from which it is attempted to raise a prejudice, by identifying the moral position of the Legislature with that of the debtor, is entirely displaced. As I observed in my former letter, it is the Legislature which makes the charge by its own independent authority, and in a different and earlier paragraph. I can see nothing more immoral in giving to a diligent judgment creditor an advantage over a prior negligent mortgagee, than in giving the like advantage to assignees in bankruptcy. The negligence of the mortgagee is the cause of his disaster in each case. The statute of Elizabeth as to fraudulent possession effects a precisely similar enactment for the benefit of individual creditors. This was never considered a dishonest statute; on the contrary, it is a statute in abatement of fraud, and has operated accordingly.

Your answer to my supposed case of irreconcilable priorities would be perfect if it could be maintained that the judgment creditor obtained a charge upon such a sum of stock only as would remain after positively deducting the amount of the prior mortgage; for instance, upon 3000*l.* stock out of 4000*l.*, the former mortgage being for 1000*l.*, and the stock at par. But I cannot conceive how the process you suggest could be justified upon any other principle\*. The judgment creditor, having obtained his charge and given notice, has a right to be satisfied every penny due upon it before a third incumbrancer can rightfully touch a penny of the fund charged.

After all, I suppose the House of Lords must settle the question between us; and the true moral to be drawn from the discussion is, that bills in Parliament relating to matters of great practical importance should be subjected to more judicious incubation.

A BARRISTER.

[When we have replied to our ingenious correspondent, if not before, our readers will probably think that this discussion has reached the point at which it should terminate, by ceasing to interest the lookers-on. We are not, any more than our correspondent, realists; and by an "equity of redemption" we understand the cluster of rights commonly understood by that expression—in short, the rights of ownership, subject to the charge; and we apply to an equity of redemption of stock the

rule applied by Lord Cottenham in *Whitworth v. Gaugain* to an equity of redemption of land:—"A judgment has relation to the time when it is entered up. It will not affect any bona fide conveyance made for value before that time, for it only attaches upon what was then, or afterwards becomes, the property of the debtor. But the rule is not confined to what was his property at law. If it is charged in equity before the entry of the judgment, the judgment will not affect such charge. It can only attach upon the interest which remains in the debtor, viz. the legal estate subject to the charge." So far the cases were identical, and the only difference between them was this, that the one mortgagee neglected to secure himself by getting in the legal estate, while the other neglected to secure himself by giving notice; either of which omissions is sufficient to disentitle the party guilty of it to the assistance of a Court of equity against a subsequent purchaser for value without notice who is not equally remiss. In *Whitworth v. Gaugain* it was held that a judgment creditor getting in the legal estate was not a purchaser for value without notice, within the rule; in other words, that he was a purchaser subject to the mortgage, in the same manner as if he had had notice of it. In *Watts v. Porter* it was held that he was a purchaser for value without notice, within the rule. We repeat that the cases are in conflict; and if it is asked which is right, we think that a very simple test will give the answer. The statute says nothing about notice of the prior charge to the creditor; and so far from giving him a charge on condition of his giving notice to the trustee, it says expressly, that after notice of the charge to the trustee, the trustee shall be liable to the creditor; and in the meantime (i. e. after the charging order, and before notice to the trustee) no disposition by the debtor shall be valid as against the judgment creditor. The extent of the charge, therefore, is independent of notice to be given by the creditor. It is also, so far as the enactment, either in words or in spirit, is concerned, independent of notice of the prior charge to the creditor. Notice or no notice of the first charge is vital in a question of priority claimed by virtue of the legal estate or of the doctrine in *Dearle v. Hall*. If the debtor had given the judgment creditor an express charge on the stock, the creditor previously knowing that the former charge existed, the second charge, though expressly extending to all the stock, would be postponed to the first charge. But how can this apply to a charge under the act? It will not be said that if the creditor had notice of the charge when he obtained his charging order he would be postponed, though not postponed if he obtained the order without notice, nothing being said or implied in the act concerning notice. The construction in *Watts v. Porter* must apply equally to the one case as to the other, unless we make a much more extensive and violent interpolation than that which was rejected by Lord Campbell. But we trust that no one is prepared to say that a judgment creditor, having notice of the charge when he gives the credit, or when he obtains judgment, or when he applies for the charging order, or when he gets it, or when he gives notice of it to the trustee, (one event is just as pertinent as any other), would be allowed priority over it.

We shall not accept the challenge to discuss the question of "honesty," which our correspondent, in fact, gives up, in abandoning the support supposed to

\* [See *Orlebar v. Fletcher* (1 P. Wms. 739) and *Newland v. —*, (1d. 92).—Ed.]

be afforded to his construction by the sentence from which Lord Campbell strove to exclude it. No one is concerned with that discussion but Lord Campbell himself.

Our correspondent refers us to the reputed ownership clauses in the Bankrupt Act, and to the stat. 13 Eliz. By doing so he gives up his case. It may or may not be expedient to extend by statute the principle of those enactments to the case under consideration; in the meantime it is not within them, and the circumstance that it was found necessary expressly to enact the remedy they provide shews that it is not deducible independently from the principles of law and equity, and therefore is not to be extended to cases which the enactments do not reach. It would be as reasonable to hold, that because the Statute of Fraudulent Conveyances (27 Eliz. c. 4) avoids a voluntary settlement of land in favour of a subsequent purchaser for value, even with notice, such a settlement is to be set aside in favour of a judgment creditor under the notion of his being a purchaser for value. In the meantime, *Whitworth v. Gaugain* tells us the stat. 1 & 2 Vict. c. 110, makes the judgment creditor a purchaser of nothing more than such beneficial interests as the debtor had at the date of the judgment, not also of such interests in others as the debtor might possibly by some *hocus pocus* be enabled to cheat them of.

Our correspondent will excuse us for taking the advantage of the last word, since he has, if not ten legions, the Court of Queen's Bench at his back.—Ed.]

## FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Continued from p. 324).

### OBSERVATIONS BY MR. TAYLOR—(Continued).

In order to give ample opportunity to the defendant of making this application, I propose that the summons should be served personally on him at least fourteen clear days before the day of trial, and that it should contain a distinct notice that any application he may make to change the place of trial will be entertained by the court without his personal attendance, or the attendance of any counsel, attorney, or agent on his behalf, provided that within seven days from the time of service he transmits to the county court of the district in which he lives an affidavit stating that he has a defence on the merits, and that either his material witnesses reside in the district to which he wishes the cause to be removed, or that some other good cause, to be specified, exists for the removal.

As soon as this affidavit is received by the clerk of the court in which the defendant dwells, it must be transmitted to the court out of which the summons issues; and notice must forthwith be given by the clerk of this last-named court to the plaintiff, in order to protect him from incurring the needless expense of bringing up his witnesses.

On the day originally fixed for trial, the judge will weigh the merits of the application, and contrast the defendant's affidavit with the affidavit of the plaintiff. He will then decide upon the point of venue, and either direct the proceedings to be transmitted to the court named by the defendant, or appoint the day on which the trial is to be heard in his own court. Notice of this appointment, like an ordinary notice of adjournment, will be sent to the defendant.

It will be observed that this plan does not vary the rights of the parties as now existing by law. The plaintiff, in the cases contemplated, is *dominus litis*. He may bring his action in whatever county he thinks fit. The defendant is allowed to change the venue on good grounds. The service of the process is personal.

With these rights I do not propose to interfere. All that I am anxious to effect is, to save the needless expense of a trial in a superior court.

The only objections urged against the plan which have been brought under my notice are—first, that it is complicated; and next, that to empower the judge to decide the question of venue on affidavits is impolitic.

These objections appear to me to have no weight. I deny that the plan is complicated; for what can be more simple than to require the mere transmission of an affidavit? The reasons why I propose that the affidavit should be sent through the foreign court are threefold:—

First, it will often be more convenient for the defendant to transmit it in this mode.

Secondly, any formal defect may be pointed out on the spot, and a remedy applied before it be too late.

Thirdly, the due transmission of the document will be secured, and all questions avoided as to whether or not it was either sent at all, or sent in proper time.

I conceive that there is no impolicy in allowing the judge to decide the question on affidavits.

In the superior courts important questions are daily decided in this manner.

In equity, affidavits furnish the usual mode of proof.

In the county courts themselves the analogous applications for leave to sue defendants out of their district are based on *ex parte* affidavits.

For such a purpose as this, affidavits are, in my opinion, preferable to *viva voce* testimony, as perjury on paper is far more dangerous to the deponent than oral perjury.

*Mode of remunerating High Bailiff.*—With respect to the mode of remunerating high bailiffs, the Report, after recommending "the discontinuance of the bailiff's mileage fee, both on serving and executing process, and on conveying defaulting parties to prison," proposes, first, that "the bailiff should be paid in proportion to the distance travelled by him in serving or executing process, or conveying committed parties, out of the fund which the remaining fees produce," (see ante, p. 288); and, secondly, that he should, in addition to this payment, receive a certain graduated salary, "which should only be one-fourth of the amount to which the clerk is entitled," (Id. 298).

The reasons on which these recommendations are based are thus stated, (Id. 297):—

"In the case of the high bailiff, the duties of his office are of so peculiar a description, and the efficient discharge of them so little under the immediate control of the judge, that we think a strong interest in the complete performance of his duties ought to exist. We think, therefore, that besides his salary he should be allowed such remuneration in respect of mileage and executions as, with reference to the circumstances of each district, the Lords Commissioners of her Majesty's Treasury may from time to time direct."

Now, in proposing to abolish the mileage fee, I cordially concur with the other commissioners, for this fee is alike unjust in principle and vexatious in practice. But I cannot assent to the recommendation, that notwithstanding the abolition of the mileage fee, the high bailiffs should be remunerated partly by salaries and partly by payments varying in proportion to the distances travelled by them.

This seems to me to be a faulty system. It is an attempt to unite the two antagonistic plans of payment by the day and payment by the piece. It in fact combines the evils of both plans, and the advantages of neither. It imposes upon the bailiffs the necessity of keeping long and complicated accounts; and unless counter-checks are introduced of a costly and elaborate nature, it inevitably opens the door to much fraud.

(To be continued).

**WILLIAM FEAR** and **WILLIAM FEAR** the younger, Bristol, dealers and chapmen, Aug. 28 and Sept. 25 at 11, Bristol: Off. Ass. Acraman; Sols. Abbot & Lucas, Bristol; Wells, Founder's-hall, St. Swithin's-lane.—Pet. f. Aug. 3.  
**LOUIS AHLBORN**, Liverpool, toy dealer, Aug. 27 and Sept. 27 at 11, Liverpool: Off. Ass. Morgan; Sols. Neal & Martin, Liverpool.—Pet. f. Aug. 9.  
**WILLIAM BACKHOUSE**, Latham, Lancashire, timber dealer, Aug. 27 and Sept. 27 at 11, Liverpool: Off. Ass. Morgan; Sols. Harvey & Co., Liverpool.—Pet. f. Aug. 9.  
**JOHN RUSHTON**, Carlisle, dealer and chapman, Aug. 28 and Oct. 2 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hoyle, Newcastle-upon-Tyne; Bendle & Sons, Carlisle; Grey & Co., 9, Staple-inn.—Pet. f. Aug. 6.  
**JOHN AUGUSTUS NOEL**, South Shields, wine merchant, Aug. 24 and Oct. 5 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Watson, Newcastle-upon-Tyne; Shield & Harwood, 10, Clement's-lane, Lombard-street.—Pet. f. Aug. 13.

#### MEETINGS.

*George Healey*, Preston, timber merchant, Aug. 24 at 11, Manchester, last ex.—*Frederick Tallis*, Upper Chadwell-street, Clerkenwell, and Crane-court, Fleet-street, printer, Aug. 27 at 2, London, aud. ac.—*Lambert Talley*, Ince, near Wigan, Lancashire, cotton spinner, Sept. 27 at 12, Manchester, aud. ac.; Oct. 4 at 12, div.—*James Brookbanks*, Dudley, mercer, Aug. 24 at 12, Manchester, aud. ac.—*Geo. Geary Mason*, Cinderhill in Bingley, Lancashire, cotton spinner, Aug. 24 at 12, Manchester, aud. ac.—*Thomas Colton Matthews*, Kingston-upon-Hull, brewer, Sept. 5 at 12, Kingston-upon-Hull, aud. ac. and div.—*Richard Wells*, Brigg, Lincolnshire, draper, Sept. 5 at 12, Kingston-upon-Hull, aud. ac. and div.—*Wm. Gibson*, Alford, Lincolnshire, innkeeper, Sept. 5 at 12, Kingston-upon-Hull, aud. ac. and fin. div.—*Edward Castendieck*, Mincing-lane, ship agent, Sept. 4 at 11, London, div.—*Victor Bauer*, Lilypot-lane, St. Martin's-le-Grand, merchant, Sept. 11 at half-past 12, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Thomas Shepherd*, King's Lynn, Norfolk, hop merchant, Sept. 5 at 1, London.—*Daniel Golding*, Isleham, Cambridge-shire, butcher, Sept. 5 at 12, London.—*Robert Martin* and *David Wardlaw Scott*, Great St. Helen's, merchants, Sept. 5 at 11, London.—*Henry Lockett Edridge*, Monmouth-road, Bayswater, builder, Sept. 5 at half-past 12, London.—*Fred. Divers*, Great Bell-alley, Moorgate-street, licensed victualler, Sept. 4 at half-past 12, London.—*Wm. Sheldrake Francis Sparks*, New Bond-street, waterproofer, Sept. 4 at half-past 11, London.—*Abraham Henry James*, Newport, Monmouth-shire, stonemason, Sept. 4 at 11, Bristol.—*Thomas Roberts*, Lantstephen, Carmarthenshire, and Newport, Monmouth-shire, builder, Sept. 4 at 11, Bristol.—*Wm. Jones*, Brecon, builder, Sept. 11 at 11, Bristol.—*James Dennis*, Torquay, innkeeper, Sept. 6 at 1, Exeter.—*Edwin Adolphus Lock*, Curry Rivell, Somersetshire, linen-draper, Sept. 6 at 1, Exeter.—*George Norman Bull*, Tiverton, Devonshire, druggist, Sept. 6 at 1, Exeter.—*Fanny Littlewood* and *Sarah Littlewood*, Manchester, licensed victuallers, Sept. 26 at 12, Manchester.—*John Manley*, Manchester, machine maker, Sept. 26 at 12, Manchester.—*John Seymour Hart*, Liverpool, tailor, Sept. 6 at 11, Liverpool.—*Joseph Prescott*, Liverpool, tea dealer, Sept. 6 at 11, Liverpool.—*Edmund Lloyd Owen*, Tettenhall-road, near Wolverhampton, mineral merchant, Nov. 15 at half-past 10, Birmingham.—*John Rolleston* and *Jacob Stanley Lister*, Moxley Ironworks, near Bilston, Staffordshire, ironmasters, Sept. 10 at half-past 11, Birmingham.

*To be granted, unless an appeal be duly entered.*

*William Nehemiah Parson*, Gravel-lane, Southwark, millwright.—*Patrick Penn*, Brooknock-place, Camden-town, linen-draper.—*James Martyn*, Union-street, Southwark, ironmonger.—*George Nock*, Frith-street, Soho, goldsmith.—*T. John*, Aberdare, Glamorganshire, butcher.—*Thomas Hake*, Exeter, furrier.—*Peter Ward*, Harrington, Cumberland, alkali manufacturer.—*Wm. Beardall*, Manchester, plumber.—*Wm. Hancock*, Talk-o'-the-Hill, Staffordshire, builder.—*Robert Wheelie Bennett*, West Bromwich, Staffordshire, brewer.—*Charles James William Morris*, Bilston, Stafford-

shire, draper.—*Alfred Cheadle* and *Frederick Cheadle*, Stone, Staffordshire, drapers.

#### PARTNERSHIP DISSOLVED.

*Wm. Morse Crowdy*, *Alfred Southby Crowdy*, and *James Copleston Townsend*, Swindon, Wiltshire, attorneys and solicitors.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following Gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—*George Matthews*, of Newtown, Montgomeryshire, in and for the county of Montgomery; and *Thomas Hills*, of Milton-next-Sittingbourne, Kent, in and for the county of Kent.

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AUGUST 25, 1855.

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## GAZETTES.—FRIDAY, Aug. 17.

## BANKRUPTS.

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**THOMAS EARLE**, Parliament-street, Westminster, dealer and chapman, Sept. 1 at 11, and Oct. 2 at 1, London: Off. Ass. Nicholson; Sol. Jerwood, 17, Ely-place.—Pet. f. Aug. 1.

**JOHN BROWNHILL**, Tipton, Staffordshire, shoemaker, Aug. 31 and Sept. 21 at 11, Birmingham: Off. Ass. Christie; Sols. Coldicott & Canning, Dudley; Motteram & Knight, Birmingham.—Pet. d. Aug. 15.

**JOSEPH WHITEHOUSE**, West Bromwich, and **WILLIAM JEFFRIES**, Compton, Kinver, Staffordshire, ironmasters, (trading under the firm of the Phoenix Iron Company at West Bromwich, William Jeffries also trading alone as an ironmaster at Hart's-hill, Worcestershire), Sept. 3 and Oct. 1 at half-past 10, Birmingham: Off. Ass. Bittleston; Sols. James, and Stubbs & Smallwood, Birmingham.—Pet. d. Aug. 16.

**JOHN WITHERS TAYLOR**, Nottingham, dealer and chapman, Aug. 28 and Sept. 18 at 10, Nottingham: Off. Ass. Harris; Sol. Wells, Nottingham.—Pet. d. Aug. 7.

**EDWARD WILLES KNIGHT**, Bath, late of Cardiff, dealer and chapman, Aug. 28 and Sept. 25 at 11, Bristol: Off. Ass. Acraman; Sol. Trenerry, Bristol.—Pet. f. Aug. 16.

**GUSTAVUS GIDLEY**, Torquay, dealer and chapman, Aug. 30 and Sept. 20 at 1, Exeter: Off. Ass. Hirtzel; Sols. Carter, Torquay; Stogdon, Exeter.—Pet. f. Aug. 10.

**WILLIAM BARTLETT WHITEWAY**, Kingsteignton, Devonshire, miller, Aug. 30 and Sept. 20 at 1, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Pet. f. Aug. 13.

**WILLIAM LEEDHAM** and **WILLIAM ALFRED WILD**, Sheffield, dealers and chapmen, Sept. 1 and 29 at 12, Sheffield: Off. Ass. Brewin; Sol. Ryalls, Sheffield.—Pet. d. and f. Aug. 7.

**JOSEPH WHITTLE**, St. Helen's, Lancashire, provision dealer, Aug. 28 and Sept. 18 at 11, Liverpool: Off. Ass. Casenove; Sols. Haddock, St. Helen's; Evans & Son, Liverpool.—Pet. f. Aug. 13.

**EDWIN LATHAM** and **WILFRID LATHAM**, Liverpool, commission merchants, (carrying on business at Liverpool under the style or firm of Latham Brothers, and at Monte Video under the style or firm of W. & E. Latham & Co., and at Buenos Ayres under the style or firm of Wilfrid Latham & Co.), Aug. 30 and Sept. 21 at 11, Liverpool: Off. Ass. Turner; Sols. Littledale & Bardwell, Liverpool.—Pet. f. Aug. 8.

**WILLIAM BACKHOUSE**, Latham, (not Latham, as before advertised), Lancashire, timber dealer, Aug. 27 and Sept. 27 at 11, Liverpool: Off. Ass. Morgan; Sols. Harvey & Co., Liverpool.—Pet. f. Aug. 9.

**CHARLES HENRY WALL** and **CHRISTOPHER HOLT**, Samlesbury, near Preston, Lancashire, dealers and chapmen, (trading under the name, style, or firm of Wall & Holt), Aug. 28 and Sept. 18 at 12, Manchester: Off. Ass. Fraser; Sols. Ascroft, Preston; Cobbell & Wheeler, Manchester.—Pet. f. Aug. 16.

**GEORGE WHARTON**, Manchester, dealer and chapman, Aug. 28 and Sept. 17 at 12, Manchester: Off. Ass. Pott; Sol. Boote, Manchester.—Pet. f. Aug. 13.

**SAMUEL LEWIN WALTER**, Manchester, coal merchant, Aug. 29 and Sept. 17 at 12, Manchester: Off. Ass. Fraser; Sol. Faulkner, Manchester.—Pet. f. Aug. 7.

## MEETINGS.

*John Roper* and *William Mitchell*, Keighley, Yorkshire, worsted spinners, Aug. 28 at 11, Leeds, pr. d.—*Newyear Lewty Dyson*, Macclesfield, grocer, Sept. 4 at 12, Manchester, last ex.—*John Taylor*, Manchester, chemist, Aug. 29 at 12, Manchester, last ex.—*William Baker*, Cumberland-market, licensed victualler, Aug. 28 at 12, London, and. ac.—*Patrick Hayes*, Widnes, Lancashire, oil manufacturer, Aug. 28 at 11, Liverpool, and. ac.—*Richard Chamberlain*, Uttoxeter, Staffordshire, draper, Aug. 27 at half-past 10, Birmingham, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Divers*, Talbot-court, Eastcheap, licensed victualler, Sept. 8 at 11, London.—*Benjamin Bouché*, Williams-terrace, Hawley-road, Kentish-town, licensed victualler, Sept. 7 at half-past 1, London.—*Robert Daniel*, Victoria-wharf, Union-place, Pimlico, stone merchant, Sept. 11 at half-past 12, London.—*Wm. Bennett*, Porthead, Somersetshire, carpenter, Sept. 25 at 11, Bristol.—*John P. Hall the younger*, Liverpool, drysalter, Sept. 11 at 11, Liverpool.—*George Newey*, Birmingham, grocer, Sept. 10 at half-past 10, Birmingham.—*Harriet Swindell*, Ashborne, Derbyshire, wine merchant, Sept. 11 at 10, Birmingham.—*Wm. Coseley* the elder, Tipton, brickmaker, Nov. 5 at half-past 10, Birmingham.—*John Walley*, Derby, boiler maker, Sept. 11 at 10, Nottingham.—*James Tomlinson*, Nottingham, timber merchant, Sept. 11 at half-past 11, Birmingham.—*Samuel Throves* and *Wm. Harrison*, Nottingham, upholsterers, Sept. 11 at 10, Nottingham.

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## TUESDAY, Aug. 21.

## BANKRUPTS.

**ANTHONY GIBSON**, Lloyd's Coffee-house, Royal Exchange, dealer and chapman, Sept. 3 at 11, and Oct. 2 at 1, London: Off. Ass. Cannan; Sols. Linklaters & Co., 17, Sise-lane, Bucklersbury.—Pet. f. Aug. 10.

**HENRY SCRASE**, Brighton, dealer and chapman, Sept. 3 at 1, and Oct. 2 at half-past 1, London: Off. Ass. Cannan; Sols. Linklaters & Co., 17, Sise-lane, Bucklersbury.—Pet. f. Aug. 21.

**ROBERT NICOL**, Idol-lane, Tower-street, dealer and chapman, (trading under the firm of Robert Nicol & Co.), Aug. 29 at 1, and Oct. 1 at half-past 1, London: Off. Ass. Stansfeld; Sol. Scarman, Coleman-street.—Pet. f. Aug. 4.

**ROBERT AUSTIN**, Pembroke-square, Kensington, hatter, Aug. 30 and Sept. 25 at 12, London: Off. Ass. Edwards; Sols. Lumley & Lumley, 41, Ludgate-street.—Pet. f. Aug. 17.

**JOHN HOBSON**, Leeds, grocer, Sept. 4 at 12, and Oct. 5 at 11, Leeds: Off. Ass. Hope; Sols. Bond & Barwick, Leeds.—Pet. f. Aug. 18.

**JOHN WILLIAMS**, Fynnnon Groyw, Llanasa, Flintshire, grocer, (carrying on business in co-partnership with Walter Bell, an infant), Sept. 6 and Oct. 10 at 11, Liverpool: Off. Ass. Turner; Sols. Evans & Son, Liverpool.—Pet. f. Aug. 16.

**THOMAS YOUNGER** the elder, Sunderland, dealer and chapman, Aug. 27 at 11, and Oct. 5 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harle & Co., Newcastle-upon-Tyne, and 20, Southampton-buildings, Chancery-lane.—Pet. f. Aug. 14.

## MEETINGS.

*Thomas Ramsden* and *William Bradford Baxter*, Bailiffe Bridge, Yorkshire, worsted spinners, Sept. 14 at 11, Leeds, last ex.—*John Brooks*, Weston-super-Mare, Somersetshire, wine merchant, Sept. 15 at 11, Bristol, and. ac.; Sept. 17 at 11, div.—*John Parker Marsh*, Salvatore House, Bishopsgate-st., woolbroker, Sept. 17 at 11, London, div.—*Theo. Bethell Lawford* and *Edwin Matland*, George-yard, Lombard-street, wine merchants, Sept. 18 at 1, London, div. joint and septs.—*John Stevens*, Fetter-lane, cheesemonger, Sept. 18 at 12, London, div.—*John Wilson Davis*, Deptford, grocer, Sept. 18 at 12, London, div.

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## THE JURIST.

LONDON, AUGUST 25, 1856.

Soon after the passing of the collection of acts which were the fruit of the first Real Property Commission, including the Dower Act, 3 & 4 Will. 4, c. 106, several questions were raised as to the condition of married women under the new law with reference to dower; and two of them, Mr. Hayes informs us\*, were seriously agitated. The first was, whether a woman married on or before the 1st January, 1834, could extinguish her title to dower by a deed acknowledged according to the Fines and Recoveries Act, and, indeed, whether that act extended to dower in its inchoate state. That doubt was, as Mr. Hayes says, not deserving of serious refutation, whether it was founded on any supposed inadequacy of the word "estate" in the Fines and Recoveries Act, as extended by the glossary clause to any interest in lands, or on an imaginary repugnancy between the Fines and Recoveries Act and the Dower Act.

The other serious question was, whether the dower of a woman married on or before the 1st January, 1834, out of lands purchased by the husband after that day, might be excluded by a declaration (and, as a consequence, by alienation, &c.) under the Dower Act; and we are told that attempts were made, under the sanction of respectable advisers, to enforce the adoption of that interpretation in practice. We need not say that

those attempts failed, or offer any comment on the plain words of the 14th section of the Dower Act—"And be it further enacted, that this act shall not extend to the dower of any widow who shall have been or shall be married on or before the 1st January, 1834; and shall not give to any will, deed, contract, engagement, or charge executed, entered into, or created before the said 1st January, 1834, the effect of defeating or prejudicing any right of dower."

After this, it was to be expected that some adventurous conveyancer would contend that the dower of a widow who had been married after the 1st January, 1834, was defeated by an expression of intention to exclude dower contained in an instrument executed before that day, by virtue of the 6th section of the Dower Act, which (passed in August, 1833) enacted, "that a widow shall not be entitled to dower out of any land of her husband when in the deed by which such land was conveyed to him, or by any deed executed by him, it shall be declared that his widow shall not be entitled to dower out of such land." The question was seriously argued before the Master of the Rolls in the case of *Fry v. Noble*, (1 Jur., N. S., part 1, p. 767), upon these facts:—In 1827 a freehold estate was conveyed, in favour of Mr. Fry, to the ordinary uses to exclude dower, and the limitations were introduced by the declaration that the estate was so limited "to the intent that the then present or any future wife of the said T. W. Fry might not be entitled to dower." After that conveyance the first wife of Mr. Fry died, and in 1838 he married the lady who, as his widow,

\* Introduction to Conveyancing, vol. 1, p. 306.

now claimed dower out of the land comprised in the conveyance of 1827. The question, as we have said, was seriously argued, and it was as seriously and deliberately considered and disposed of by the very able judge who had to decide it. It was held that the plaintiff was entitled to her dower; and after taking time to consider the question, the Court allowed her her costs, observing, that it was not one of the cases in which, upon an undisputed question, the plaintiff comes merely for partition or having the award set out by metes and bounds, but it was, in truth, a disputed right to dower, resisted upon grounds which failed—grounds which, in the opinion of the Court, anybody would have advised the defendant to contest it upon, for it was a question of considerable nicety.

The decision of course proceeded upon a literal adherence to the words of the act, which entitles widows married after the 1st January, 1834, to dower out of equitable estates, and declares that it does "not give to any will, deed, &c. executed before the 1st January, 1834, the effect of defeating or prejudicing any right of dower," the sole reason offered for rejecting that literal construction being, that it gives to an act intended to place dower entirely within the husband's control the effect of subjecting an estate to dower which but for the act would have been exempt from it, and which the husband had declared he intended to exempt from it. But it was clearly impossible to control the positive provisions of the act—first, that a widow within the act should be entitled to dower out of equitable estates, if not excluded in the way pointed out by the act; and, secondly, that no instrument executed before the day named should be capable of so operating to exclude her; and when it is considered that the decision either way could neither shock nor gratify any moral instinct, the question under discussion being one which could not be decided upon any general notions of justice or morality, but related to the application of rules purely arbitrary in their origin and accidental in their operation, it is only surprising that so much trouble was taken to refute the arguments on the losing side.

We may here notice some other points on the application of the Dower Act. The 4th and 5th sections postpone the wife's dower to the title of any devisee or legatee claiming under any absolute or partial disposition or charge by the husband's will; and the 7th section enacts, that she "shall not be entitled to dower out of any land of which her husband shall die wholly or partially intestate, when by his will duly executed for the devise of freehold estate he shall declare his intention that she shall not be entitled to dower out of such land, or out of any of his land." The question upon this clause is, whether it contemplates exclusively land devisable by the testator, or extends to estates tail. Such a limitation of the expressed meaning would be purely conjectural; and it is probable that if the question were raised, it would be decided, after the example of *Fry v. Noble*, upon a literal construction of the act. The bar as to all the testator's lands, effected under the 9th section by a devise to the widow of an interest in any lands of which she would have been dowerable, clearly extends to the testator's estates tail.

The act, by extending dower to equitable interests, seems to entitle the widow to dower out of a money

fund subject to a trust for investment in land, as in the analogous case of curtesy.

There is some ambiguity in the language of the 5th section, which enacts that all "debts, incumbrances, contracts, and engagements to which his [the husband's] land shall be subject or liable shall be valid and effectual as against the right of his widow to dower." The object of the enactment seems to be merely to give validity as against dower to such charges as attach on the land in the husband's lifetime, so as to postpone the widow's claim to the claims of judgment creditors, but not to subject dower to the claims of creditors by bond or simple contract, who have no right in respect of the land until after the husband's death, and with whose claims even then the land is not charged, but only the heir or devisee personally in respect of the land. (See *Horn v. Horn*, 2 Sim. & S. 448; *Spackman v. Timbrell*, 8 Sim. 260; *Townsend v. Westcott*, 2 Beav. 240; 4 Beav. 58; *Richardson v. Horton*, 7 Beav. 124). Before the statute, dower was subject only to such specific charges and incumbrances as actually attached on the land before the marriage. The provision in the 14th section, upon which *Fry v. Noble* was decided, has not the words "debts" and "incumbrances," though it has the words "contracts" and "engagements," which seem sufficient to include debts.

The 4th section negatives the widow's right to dower out of estates which shall have been absolutely disposed of by the husband; and the 6th, 7th, 8th, and 9th sections enable the husband to qualify, abridge, or extinguish his widow's title to dower by various means. But with respect to partial estates and interests, charges, &c. created by the husband, it is merely provided (sect. 5) that such partial estates and interests, charges, &c. shall be "valid and effectual" as against the widow's right to dower. The question remains, whether, after satisfaction of such partial estates and interests, charges, &c., if necessary, out of the widow's interest, she can claim to be indemnified out of her husband's assets, real and personal, as against the heir, next of kin, legatees, (not entitled to a charge on the real estate), and creditors, or any of them, and (in the case of a will made before 1834, and not subsequently republished) as against devisees. With respect to partial estates, and also charges which are not securities for debts personally owing by the husband, this question must be answered in the negative. The widow can have no claim upon any person for indemnity against such estates or charges. But charges of debts, for which the husband is personally liable, stand on a different footing; and though the act makes such charges effectual against dower, it does not seem to interfere with the ordinary rules which govern the application of assets to the payment of debts, but rather to place the widow in the same position with respect to such charges as a widow married before 1834 would stand in under the old law with respect to mortgages or other charges for securing her husband's debts in which she had expressly joined for the purpose of binding her dower. In either case the debts so secured must be paid in the first instance out of the assets of the husband—that is to say, his personal estate, and so much of his real estate as passed by his will or descended to his heir. After exhausting the assets,

so much of the estate as has not already been applied in the character of assets will be applied by virtue of the charges. The clause under consideration clearly does not subject the widow's dower to debts as *assets*; and the stat. 3 & 4 Will. 4, c. 104, which expressly gives to simple contract creditors a remedy against the heir or devisee, without mentioning the widow, does not seem to subject dower to the payment of the husband's debts. If it should be held that dower is made assets by the enactments referred to, or either of them, it would then become a question in what order of priority it stands. Now, it is clear that under the old law a debt by judgment or on mortgage for years, incurred before marriage, (and therefore binding the widow), would be thrown on the bequeathed personalty in exoneration of the widow's dower; and there seems to be nothing in the new law to place the dower in a worse position. If this be so, as legatees are entitled to exoneration out of the descended realty, and, according to *Tombs v. Rock*, (2 Coll. 490), to contribution out of the devised realty, it follows that the dower is at least entitled to have priority over the heir. But the better conclusion seems to be, that where a widow is entitled to dower out of lands which are charged as a security for her husband's debt, she is entitled to have an unincumbered life interest in one-third of such lands, if the real and personal assets, after deducting the value of the dower, are sufficient for payment of the debts. This right of marshalling the charge would clearly be available against devisees under a will made before 1834, and not subsequently republished. Whether it would also be available against devisees of other land than that charged with dower under a will made after 1833 is more doubtful. The 4th section of the Dower Act merely deprives the widow of dower out of land absolutely devised away, but does not seem to affect the liability as assets of other lands absolutely devised; and even the 5th section, which declares that all partial estates and interests and charges created by the husband's will shall be valid and effectual as against the right of his widow to dower, seems merely to refer to dower out of the very land which is the subject of such estate, interest, or charge. Either this interpretation must be adopted, or the enactment must be read so as to deprive the widow of her right of marshalling mortgage debts, &c. on the personal estate, even as against mere pecuniary legatees.

Another question of great difficulty is, whether in the case of a mortgage of the lands subject to dower, and a deficiency of assets, the general creditors have a right of marshalling the mortgage debt on the mortgaged estate to the prejudice of the widow's dower. As the widow is not a volunteer, it should seem that they have no such right.

Our readers will have observed two editorial articles in *THE JURIST*, taking, within a short period, contrary views of the case of *Watts v. Porter*. It is right, and our practice, to allow both sides of a question to be represented in our columns, and it was only through inadvertence that the writer of the second article (who is one of "us") omitted to take the shape of "a correspondent." Accidents will happen in a large family of editors.

## Review.

*The Case of Luigi Buranelli Medico-legally considered.*  
By FORBES WINSLOW, M.D., D.C.L., late President  
of the Medical Society of London. 8vo., pp. 69\*.

[Churchill.]

WHEN Brummell's valet was met carrying away a huge pile of clean but crumpled cravats, he explained, "These are our failures." The poor Beau did not choose his aims wisely, but he had the sense to know when he had missed them. If the State would take a lesson from him, and candidly label, not only the cravats which its last functionary adjusts, but the whole of its criminal and civil process in action, as "Our failures," we might in the course of time be delivered from the importunities of the class of "psychological" humanitarians to which Dr. Winslow has attached himself. If they who would shield a criminal from punishment on the ground of "irresistible impulse" could acquire the habit of regarding as a failure of the law every case in which it is called into action with a view to punish a criminal or to redress a wrong, they might see that no crime is ever committed or wrong done otherwise than under irresistible impulse, and that if the crime of an intelligent lunatic ought to go unpunished, the infliction of punishment cannot be justified in any case. The only kind of mental incapacity or insanity that our law admits to be an excuse for an act which would otherwise be a crime is incapacity to understand that the act is forbidden by law. Thus, on the trial of Bellingham for the murder of Mr. Percival, Lord Mansfield said, "The single question is, whether at the time this act was committed he possessed a sufficient degree of understanding to distinguish good from evil, right from wrong, and whether murder was a crime not only against the laws of God, but against the law of his country." This principle of the common law has been perfectly settled and understood from a very remote period, but it involves a distinction which, though just and of immense importance, would probably escape the perception of a mere law-maker; and accordingly it will be found that the framers of the French penal code have not taken it, for their statement of the excuse from insanity is thus expressed—"Il n'y a ni crime ni délit lorsque le prévenu était en état de démence au temps de l'action." (Art. 64). Now, this article is at once vague and inaccurate, and it has materially added in France to the difficulties which are incident to adjudication on the plea of insanity.

When in 1843 Dr. Winslow published his "Plea of Insanity in Criminal Cases," we founded on the following passage some hope that he would ultimately arrive at just conclusions on this important subject, and give to the stern and salutary but unpopular rule of law the sanction it would gain by the secession from the ranks of the psychological humanitarians of so respectable and able a champion. Dr. Winslow then said, "I am not prepared to give an unqualified assent to the dogma, that in every case of mental derangement, without any reference to its degree or character, ought the person to be screened from the penalty awarded by the laws for criminal offences. I am ready to admit that if insanity be clearly established to exist, a *prima facie* case is made out in favour of the prisoner; but that because a person may be proved to be strange and wayward in his character, to fancy himself a beggar when he may have the wealth of Croesus, or to be ill when he is in the buoyancy of health—to believe that such a person ought of necessity to be exonerated from all responsibility is a doctrine as unphilosophical and untenable as it is opposed to the

safety and well-being of society." We regret to find that, after twelve years' consideration, Dr. Winslow has not only become reconciled to this "unphilosophical and untenable doctrine," but has brought himself to speak of those who rejected it in such terms as these:—

"The trial and execution of Buranelli establishes 'that we had somewhat miscalculated the amount of 'enlightened progress made of late in judicial psychology; for we not only find a judge distinguishing for his 'learning, natural sagacity, and eminent acquirements, 'disposed to repudiate the plea of insanity when based 'upon what able, experienced, and reflecting men conceive to be conclusive evidence, but we also see 'medical jurists of character and position stepping 'boldly forward to support by the weight of their 'testimony and the authority of their names one of 'the most monstrously iniquitous verdicts of modern 'times! . . . The execution of Buranelli will, we 'fear, be a foul stain and a 'damned spot' upon the 'humanity and intelligence of the nineteenth century."

Strong language—so strong that many who read it will fancy that they must have overlooked the blackest points in the case in question. We are constrained to say, that the blackest point in the case, in the eyes of Dr. Winslow, appears to have been, that, as he says, it has done "an incalculable amount of injury to the advancement of medico-legal testimony in cases of alleged lunacy," and has damped the hopes which in 1843 he expressed of the speedy advent of the time "when there would be instituted, for the investigation of cases in which it is important to establish the existence or non-existence of aberration of mind, a separate jurisdiction, presided over by persons whose attention has been specially directed to the study of mental aberration." It is unnecessary to disclaim the intention of imputing to Dr. Winslow the slightest tincture of those motives which may be supposed to actuate the herd of professional witnesses who strive, too often with success, to make themselves prominent in cases of this kind; but we regard him as a kind of Hildebrand, misled by zeal for his faith and ambition for his order.

This pamphlet is not what it professes to be—a full narrative of Buranelli's case. It does not represent the complete and fair effect of all the evidence; and it omits the observations made on the case by Mr. Justice Erle, remarkable equally for sense, temper, and courage. But even the imperfect report before us shews that the execution of Buranelli was necessary. The entire case in favour of the prisoner was this—that some time before the murder he had a morbid delusion as to the result of an operation for fistula which had been performed on him, fancying that the surgeon had destroyed his health, that he was suffering in an aggravated form results which were wholly imaginary, and that up to the time of the murder he was gloomy and desponding, and possessed by the notion, apparently unfounded, that he had been injured by his victim. But so far from it being shewn that he was under any delusion as to the nature of the crime which he committed, it appeared by his own letters, written in contemplation of the act, that he fully understood he was about to do that which would render him infamous—which was forbidden by the laws of God and man. "But he was insane," says Dr. Winslow; and this is all that he says to the point. We admit it. He had an insane delusion. Grant (which was not shewn even to be probable) that the delusion included his motives to the act—grant that all was true which he madly believed to be so—what character would the act then assume? Murder to revenge an injury. The delusion, then, will not help us to excuse him. We are asked further to believe that he acted under an insane and ungovernable impulse. This was not proved, nor even suggested or rendered probable by the most favourable medical testimony,

but was gratuitously assumed, or at the best inferred, from the existence of morbid delusion. No ground for such inference—no connexion shewn between insane delusion and insane impulse. And yet we are told that to refuse to recognise, adopt, and act upon this assumption or inference is to trample upon "British medical psychology!" We need not consider whether that form of ungovernable impulse which is called homicidal monomania is sufficient to excuse the patient who yields to it from punishment, because that was not even pretended to exist in Buranelli. We have simply the case of a man believing, whether morbidly or not is immaterial, that he was injured, and with his eyes open, and fully understanding the nature and consequences of the act, yielding to the impulses suggested by that belief. This is the case of every criminal who suffers. No man was ever hanged (otherwise than by mistake) for any other cause than that he had obeyed an ungovernable impulse. In further explanation of this, if it needs explanation, we shall repeat some remarks which we made in 1848\*, in opposition to Mr. Ludlow's censure of the Criminal-law Commissioners' proposal to retain the common-law test of criminal responsibility—capacity to understand that the act is forbidden by the law.

The author of the very able "Letters on the Criminal Code" said, (p. 4), "It is well stated by the first Criminal-law Commissioners, in their seventh report, (p. 17), that 'the object of the penal law is the prevention of injury through fear of suffering.' The determination of those cases in which the fear of suffering sought to be produced does or does not operate constitutes, therefore, the very keystone of the penal law."

If the efficacy of the penal law is the only thing to be considered in criticising it, the criterion suggested in the above extract is not to be deduced from the definition there cited. For aught that appears, the fear of suffering may be more effectually called into action for the prevention of crime, by inflicting punishment in certain cases where the fear could not have existed, than by confining the application of the law to those cases in which it may be supposed to have been present. Indeed, a penal code which would bear the proposed test must be so framed as to be incapable of administrative execution—its prisons and scaffolds would be mere phantasmagoria; for the fear of suffering mentioned in the commissioners' definition must of course be understood to be a fear sufficient for the purpose—a motive stronger than the desire to which it is placed in opposition—a fear, therefore, which *cannot* exist when the crime is committed. The fear mentioned in the definition is a fear which deters from crime; the fear contemplated by the author of the letters is a fear which, if it exists in the criminal, is vanquished by other motives, and the existence of which, therefore, is perfectly immaterial to the object of the penal law, which is solely to induce effective fear. To propose to punish only in cases where effective fear can be supposed to have existed is to propose that punishment should never be inflicted—a scheme seriously insisted on by the phrenologists, or at least a considerable section of them, who would make the operations of justice exclusively curative, converting the penal code into a collection of moral prescriptions; though it is to be observed, that they lay so much stress on the distastefulness of reformatory discipline as to induce a suspicion that in practice they would be apt to put the change on their patients, and, like some heads of schools and of families, make a punishment of physic.

Punishment, then, is *threatened* for the purpose of

\* Review of "Letters on the Criminal Code. By a Barrister of Lincoln's-Inn." (11 Jur., part 2, p. 342).

influencing those who can be influenced by the threat; it is *inflicted* in order to seal the threat—to give sanction to it by shewing that it is made in earnest; it is not inflicted with any view to the criminal, unless (as in the case of Charles I) he is imprisoned or put to death for the protection of society from his future acts; and in that aspect it is precaution, and not punishment. The penal code addresses itself to the future innocents of society, not to its offenders in embryo; it does not address itself to the latter, for it would be useless to do so; and when it deals with them, it is only as a means to an end with which they are not concerned. In discussing, therefore, the immediate policy of a penal code, we have not to consider the relation between the punishment and the criminal, but solely the effect which punishing him will have upon others; as Coke says more accurately in English than in Latin, "The principal end of punishment is, that *others* by his example may fear to offend; ut pena ad paucos, metus ad omnes perveniat;" where for "omnes" we should read "ceteros." The moral or religious propriety of the punishment is a totally different question.

With those who would prohibit all punishment we decline to argue. Of those who would not punish criminals acting under an insane delusion or an insane impulse we would ask, first, what is the difference between a morbid belief of circumstances which if true would not excuse the crime, and the reality of such circumstances; and, secondly, why should any greater favour be shewn to an insane impulse than to any other? Is that conclusion assumed because it is thought too obvious to require proof? We think that the contrary is much more obvious, though the investigation of the limits of responsibility is, when pursued into details, one of the most obscure and difficult in social ethics. Every impulse which prevails is an irresistible impulse in the same sense in which an insane impulse is so, and its consequences could, by any one who knew the character of the patient, be equally foreseen. The form of the question proposed to be put to a jury on the plea of insanity ("Was the prisoner so mad that he could not help doing it?") may just as reasonably be adapted to the case of a noted thief as to that of a monomaniac—"Was the prisoner such a thief that he could not help doing it?" A man, sane in the common acceptance of the word, receives a strong provocation, and feels an almost unconquerable desire to kill the offender. It is for a long time doubtful whether he will yield to the impulse; at length Minerva takes him aside; moral or prudential considerations prevail. If the criminal impulse had conquered, if it had been *irresistible*, (i. e. irresistible by the forces at command), all agree that he would have been punishable. How is this case distinguishable from that, for instance, of the monomaniac Catherine Olhaver, who *conquered* her insane homicidal impulse? The impulse was the same—equally involuntary in its origin—equally liable to opposition, and actually opposed with success, by the same motives; yet if Olhaver had yielded, the psychological humanitarians would have spared her, as the subject of an irresistible impulse.

Now, still bearing in mind that we are considering only the efficacy of the law, what would have happened if the same part of Olhaver's character had been different—if she had been cruel, without affection, without conscience—interested, but having no considerable interest at stake—and if she had lived under laws allowing full impunity to "instinctive" crimes? Is it not plain that the one restraint necessary and sufficient for the protection of her charge would have been withdrawn by that society which was bound to protect it? It is the peculiarity of these cases of moral insanity, especially when accompanied, as commonly happens, with delusion, that (notwithstanding some

striking instances to the contrary, on which too much stress has been laid) the ordinary moral restraints seldom exist in any force, and therefore it is doubly important that the only other check, the fear of punishment, should not be removed. The murderer of Mr. Drummond may be said to have suffered under an insane impulse as well as a delusion, though the medical witnesses deposed only to the existence of the latter. He escaped, from the defective administration of the law, which clearly required his punishment for what he insanely believed would not, if true, have justified his act. Our own opinion is, that there is no specific distinction between sanity and insanity, any more than between a good watch and a bad one; but be that as it may, it is certain that the adoption of Dr. Winslow's rule would be followed by the most deplorable consequences. Of this we have had some experience since the plea of insanity grew into fashion and favour with juries; and society is deeply indebted to the judge, the jury, and the Home Office for the wisdom and firmness with which they acted in Burnelli's case. We remember to have seen depicted in the Charivari an interview between a pickpocket and his advocate. "Have you no defence?" "None whatever; there are several witnesses, and I have already been ten times convicted of picking pockets." "Oh, then make yourself easy—I shall plead monomania." And this would have been a sound plea on Dr. Winslow's principles. We punish the one unhappy individual who is afflicted with the uncontrollable impulse, in order to assist multitudes in restraining a similar impulse of less intensity. For one case in which an hallucination becomes too strong for any restraint there are a hundred where it can be kept in check by the fear of punishment, and by that only. Many lunatics have been prevented from inflicting desperate injuries on themselves by the fear of punishment, and by that only. On the other hand, the boast, "They can't punish us, we are mad," has been heard more than once within the walls of a lunatic asylum.

We trust that we have said enough to shew that the rationale of punishment allows of no exception in favour of offences caused by instinctive or moral insanity. Whether the punishment of offenders from such causes can be defended on moral grounds is a very different question. To punish a man for an offence which is the consequence of a diseased organisation, and which, as has been said, a timely dose of jalap might have prevented, does not harmonise with common notions; the sentiment of abhorrence, and the desire of vengeance, which usually reconcile us to the suffering of the offender, cannot exist here. Yet if we compare insanity with the more usual causes of crime we shall not easily find a distinction to the purpose. On the one hand, a Pinel may shew the origin of the disease, point out its future course, demonstrate that no palliatives, no threats, no persuasions can arrest its course or prevent its operation—that the patient is blameless of the cause, and therefore irresponsible for the consequences; but, on the other hand, a Shaftesbury can point out in our large towns whole districts over which a moral miasma perpetually hovers—where of every hundred children, ninety-nine, already in the gristle, *must* harden into the bone of felonhood—*must* acquire such depraved habits and instincts, not to say also convictions and delusions, as will irresistibly force them during their lives to wage incessant war with the laws. True, the causes of the depraved instincts are educational or moral—not organic or physical; but the effect is inevitable, and the sufferer is as innocent of the perversion of his will as the lunatic is of his ailment, and is to our sympathies as much an object of compassion.

It may be replied that we are not justified in insisting on the punishment actually inflicted in ordinary cases, because the necessity for actual punishment

is not contemplated by the theory of the criminal law, but is merely a defect to which the law, like other human institutions, is liable in practice; in other words, that if the detection and punishment of offences were certain, there would be no offenders—at least, no same ones; but if offences prompted by insane and ungovernable impulses were punished, such punishment would be a consequence of the theory, and not a mere accidental defect in the working of the law. This is a plausible, and to some extent a sound, distinction, but it is not sufficient for the purpose. The actual infliction of punishment must be contemplated by a complete theory of penal law, because no theory constructed with a view to practice is complete unless it takes account of the imperfections incident to practice. Our argument, therefore, founded on the admitted propriety of punishment in some cases, remains untouched. But further: it is not true, that even independently of considerations of imperfect administration, any theory of law can contemplate the non-necessity of punishment under any circumstances. It may be true, that if the detection and punishment of every offender could be made to follow *immediately* and infallibly on the commission of the offence, there would be an end of a large, perhaps the largest, class of offences—those committed in the hope of impunity. But even under such a utopian system ample employment for the licitor would be furnished by those who offend in defiance of the law, under the influence of various ungoverned passions not yet exclusively appropriated to the insane. Such, at least, must be the case until a Perillus is found to invent, and a Draco to enact, some universal torture, more abhorrent to the instinct of every possible individual than the gratification of any conceivable sane impulse. In the meantime we must protect society provisionally. If it is justifiable, for the benefit of society, to punish offenders who would not exist but for the imperfection of its institutions, the same end justifies the punishment of offenders who would not be such but for the defect of their own organisation. The punishment of the insane is proper if it prevents more suffering than it inflicts.

If Dr. Winslow would understand that in the foregoing remarks we have been merely insisting on and giving the reasons for a rule of law which, though old, is not obsolete, and has been always approved of by the Bench and by every lawyer of eminence, he would, perhaps, think it worth while to suspend the use of mere declamation and strong language until he had discovered and exposed the fallacies which, if he is right, have misled so many acute and practical minds during so many ages. In the meantime he is not taking the course to recommend his plan of a medico-legal tribunal.

G. S.

#### PUBLIC EXAMINATION.—MICH. TERM, 1855.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

“As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations, and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners

shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto.”

“At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day.”

“No student shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination.”

#### RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Michaelmas Term, to which a student of any of the Inns of Court, who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Tuesday, the 23rd day of October next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Tuesday, the 30th day of October next, and will be continued on the Wednesday and Thursday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Tuesday morning, the 30th October, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Wednesday morning, the 31st October, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Thursday morning, the 1st November, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on Thursday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary, according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question, whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations, until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three

examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

The READER ON CONSTITUTIONAL LAW and LEGAL HISTORY will expect the candidates for honours in the ensuing examination to have mastered the first, second, fifth, sixth, seventh, and thirteenth chapters of Mr. Hallam's Constitutional History; the chapter in Foster's Crown Law relating to Treason; the chapter in Mr. Stephen's edition of Blackstone on the same subject, and the chapters in the same work relating to the Houses of Parliament and the Law concerning the Press; the chapters in Rapin on the Reigns of James I and Charles I; May's History and the first volume of Clarendon's History of the Rebellion. He will expect them to be acquainted with the State Trials during the reigns of the Stuarts, of William III, and Queen Anne.

He will expect the candidates for a pass to answer any general question bearing on English History, and to be well acquainted with the first, eighth, and thirteenth chapters in Hallam's Constitutional History, and with the chapters in Rapin containing the History of Charles II, and with the Trials of College, Lord Russell, and Algernon Sydney.

The READER ON EQUITY proposes to examine in the following books and subjects:—

1. Smith's Manual of Equity Jurisprudence. Mitford on the Pleadings in the Court of Chancery—Introduction; c. 1, ss. 1, 2; c. 2, s. 2, part 1, (the first three pages); c. 2, s. 2, part 2, (the first two pages); c. 2, s. 2, part 3; c. 3. The Act for the Improvement of the Jurisdiction of Equity, 15 & 16 Vict. c. 86.

2. The Cases and Notes contained in the first volume of White & Tudor's Leading Cases, particularly those relating to the subjects of Election and Conversion; the remainder of c. 2, s. 2, part 2, in Mitford's Pleadings in the Court of Chancery.

Candidates for certificates of fitness to be called to the Bar will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for the studentship or honours will be examined in the books mentioned in the two classes.

The READER on the LAW of REAL PROPERTY proposes to examine in the following books and subjects:—

1. Williams—Real Property; Stephen—Commentaries, vol. 1; Sugden—Powers, vol. 1.

2. The Power of Alienation possessed by Tenants in Tail and Married Women.

3. The extent of the Testamentary Power, and the alterations effected by the 1 Vict. c. 26.

4. The Protection afforded to Purchasers by means of Attendant Terms; and the operation of the 8 & 9 Vict. c. 112.

5. The Law of Judgments as it affects Real Property; Prideaux on Judgments, 4th ed.; 18 Vict. c. 15.

Candidates for honours will be examined in all the foregoing books and subjects. Candidates for a certificate will be examined in those mentioned in parts 1, 2, and 3.

The READER ON JURISPRUDENCE and the CIVIL LAW proposes to examine candidates for honours in the following books and subjects:—

1. The Elements of the Roman Law of Contract and Delict. Warnkönig, Institutiones Juris Romani Privati, lib. 3.

2. The fourth book of the Commentaries of Gaius.

3. The first, second, third, and fourth Lectures of Kent on International Law.

Candidates for a pass certificate will be examined in—  
1. The third and fourth books of the Institutes of Justinian, with the Notes contained in Sandars's edition.

2. The first and second Lectures of Kent on International Law.

The READER ON COMMON LAW proposes to examine in the following subjects:—

Candidates for a certificate will be examined in—

1. The Elements of the Law of Contracts, (which may be read from Smith's Lectures on Contracts, 2nd ed., or from any recent treatise on the subject).

2. Criminal Law, as treated in Mr. Warren's Abridgment of Blackstone's Commentaries, pp. 573—656.

3. Candidates for a certificate will also be expected to answer any question having reference to the ordinary proceedings in an action at law.

Candidates for the studentship or honours will be examined in the first and third of the foregoing subjects, and also in—

4. The under-mentioned cases from Coke's Reports:—

*Semayne's case*, (5 Rep. 91 a.)

*Calve's case*, (8 Rep. 32 a.), in connexion with which should be read *Dansey v. Richardson*, (3 El. & Bl. 144).

*Beverley's case*, (4 Rep. 123 b.), (so far as it bears upon the capacity of one non compos mentis to contract), in connexion with which should be read *Molton v. Camroux* (2 Exch. 487; S. C., 4 Exch. 17) and *Beavan v. M'Donnell*, (9 Exch. 309; 10 Exch. 184).

*Pigot's case*, (11 Rep. 26 b.), in connexion with which should be read *Davidson v. Cooper*, (11 M. & W. 778; S. C., 13 M. & W. 343); *Master v. Miller*, (4 T. R. 320; S. C., 2 H. Bl. 140); *Burchfield v. Moore*, (3 El. & Bl. 683); and *Warrington v. Early*, (2 El. & Bl. 763).

5. The fifth, sixth, and seventh of Mr. Smith's Lectures on the Law of Landlord and Tenant, (points relating to continuance of tenancy), with the notes thereto.

By order of the Council,

RICHARD BETHELL, Chairman.

Council Chamber, Lincoln's Inn, Aug. 3, 1856.

## PROSPECTUS OF THE LECTURES

To be delivered during the ensuing Michaelmas Educational Term by the several Readers appointed by the Inns of Court.

### CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Public Lectures to be delivered by the Reader on Constitutional Law and Legal History will comprise the following subjects:—

Rules for the Interpretation of Law—Progress of the Constitution during the Reign of Elizabeth—Acts of Supremacy and Uniformity—Influence of the Puritan Party at the Accession of James I—Privileges of the House of Commons at the Close of his Reign—Conduct of the Judges during the Reigns of the Stuarts—Influence of the Church of England during that Time—Courts of Star Chamber and High Commission—Attempts to make the Church independent of State Control—Conduct of the House of Commons from the Accession of James I to the Civil War—Changes in the Tenure of Property—Changes in the Value of Property, as indicated by the Laws against Fraud and the Bankrupt Laws—Changes in the Condition of the Labouring Class—Impeachments of Bacon, Middlesex, and Danby—Character and Progress of English Jurisprudence.



In his Private Lectures the Reader will pursue the History of England from the Death of Anne to the Accession of George III. He will then return to the Reign of Henry VII. He will endeavour to illustrate the progress of our Municipal and Constitutional Law by referring to the Law and History of Rome and France.

Books:—D'Aguesseau, *Etudes sur les Fonctions de l'Avocat du Roi*, vol. 15, p. 104, 8vo. edition, by Pardessus—Pothier's *Pandects*, Chapter de *Regulis Juris*—Millar's *View of the English Constitution*—Hallam's chapters on the Reigns of Henry VIII, Elizabeth, James I, Charles I, and Charles II—Parliamentary History during those Reigns—Rapin's History of those Reigns—Blackstone, vol. 4—Clarendon's History and May's History—The State Trials of the Period.

The Reader on Constitutional Law and Legal History will deliver his Public Lectures at Lincoln's Inn Hall on Wednesday in each week, (the first Lecture to be delivered on the 7th November), commencing at two P. M. The Reader will receive his Private Classes on Tuesday, Thursday, and Saturday mornings in each week, at half-past nine o'clock, in the Benchers' Reading-room, at Lincoln's Inn Hall; the first Private Class to be held on Thursday, the 8th November.

#### EQUITY.

The Reader on Equity proposes to give, during the ensuing Educational Term, a course of Six Lectures on the Origin of the Laws of England—The System of Writs, and the Relation of the Superior Courts of Common Law to the Chancery, during the first three Centuries after the Norman Conquest—On the Equitable Jurisdiction of the Council, and its Transference to the Chancellor—On the Authority conferred by the Custody of the Great Seal—The History of the Court of Chancery, and the principal Differences between the Mode of Procedure which it has adopted and that followed in the Courts of Common Law—On the Amalgamation of the two Jurisdictions—On Rehearing, Review, and Appeals in and from the Court of Chancery.

The Reader on Equity proposes to form two Private Classes—a Senior and Junior—according to the amount of preliminary knowledge possessed by the students; using in the Junior "Smith's Manual of Equity Jurisprudence" as a text-book; and in the Senior, whilst following the division adopted in the Manual, illustrating the subject by a more frequent reference to cases.

The Reader on Equity will deliver his Public Lectures at Lincoln's Inn Hall on Thursday in each week during the Educational Term, commencing at two o'clock P. M.; the first Lecture to be delivered on the 8th November. The Reader will receive his Private Classes on Monday, Wednesday, and Friday evenings, from seven to nine o'clock, in the Benchers' Reading-room; the first Private Class to be held on Friday, the 9th November.

#### LAW OF REAL PROPERTY, &c.

The Reader on the Law of Real Property, &c. proposes to deliver, in the ensuing Educational Term, a course of Six Public Lectures on the following subject:—

The Nature, Construction, and Operation of Covenants, with reference to the Transfer of Real Property.

The Lectures to be delivered to the Private Classes will comprise the following subjects:—With the Senior Class the Reader proposes to discuss the Law of Covenants; and with the Junior Class, the Learning of Remainders, Springing and Shifting Uses, and Executory Devises.

The Public Lectures will be delivered at Gray's Inn Hall on Friday in each week, at two P. M.; the first Lecture to be delivered on the 9th November. The Private Classes will be held in the North Library of

Gray's Inn on Monday, Wednesday, and Friday mornings, from a quarter to twelve to a quarter to two o'clock; the first Private Class to be held on Monday, the 12th November.

#### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law proposes to deliver, in the course of the ensuing Educational Term, Six Public Lectures on the following subjects:—

I. The Roman Civil Law, its Original Character, the Agencies by which it was progressively modified, and the Form which it ultimately assumed.

II. The Philosophical Theories of the Roman Jurisconsults, their effects on Modern Jurisprudence, and, in particular, on International Law.

III. The Juristical Conceptions peculiar to Primitive Societies, their Importance, and the Mistakes which have arisen from neglecting them, more particularly with reference to the Feudal System.

With his Private Class the Reader will commence an Elementary Course of Roman Law, employing as his text-books the Commentaries of Gaius, the Institutes of Justinian, (Sandars's or Ortolan's edition), and the *Institutiones Juris Romani Privati* of Warnkönig. On certain days, the Last Two Titles of the Digest, "*De Verborum Significatione*" and "*De Regulis Juris*," will be discussed and illustrated. Copies of the entire *Corpus Juris* will be provided in the Lecture-room.

The Public Lectures will be delivered in the Hall of the Middle Temple on Tuesday in each week, at two P. M.; the first Lecture of the course on Tuesday, the 13th November. The Private Classes will assemble at the Class-room in Garden-court on Tuesday, Thursday, and Saturday evenings, from seven to nine o'clock; the first Private Class to be held on Thursday, the 15th November.

#### COMMON LAW.

The Reader on Common Law proposes to deliver, during the Educational Term, commencing on the 1st November, 1855, Six Public Lectures, designed to indicate the main subdivisions of our Common Law, and the leading principles applicable in each of them respectively. The Lectures will treat of—

I. Civil Proceedings in Contract or in Tort—the remedy being ordinary or extraordinary.

II. Quasi-Criminal Proceedings—their Nature, and the Objects to be attained thereby.

III. Criminal Proceedings—with a view to Summary Conviction, by Indictment or otherwise.

With his Private Class the Reader on Common Law will pursue the line of inquiry above marked out, his aim being to lay down the fundamental rules applicable in each department of the Law, and to illustrate them by reference to decided cases. In carrying out this plan he will principally make use of the following books:—Blackstone's (or Stephen's) *Commentaries*; Smith's *Leading Cases*; and Archbold's *Criminal Pleading* (by Welsby).

The Public Lectures will be delivered in the Hall of the Inner Temple on Monday in each week, at two P. M.; the first Lecture on Monday, the 12th November. The Private Class will be held in the Hall on Tuesday, Thursday, and Saturday mornings, from a quarter to twelve to a quarter to two o'clock; the first Private Class to be held on Tuesday, the 13th November.

By Order of the Council,  
(Signed) RICHARD BETHELL, Chairman.  
Council Chamber, Lincoln's Inn, Aug. 3, 1855.

*Note.*—The Educational Term commences on the 1st November, and ends on the 22nd December, 1855.

The first Meeting of each Private Class will take place on the usual morning or evening of meeting next after the first Public Lecture on the same subject.

CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Henry Laumann*, Fulham, boarding-house keeper, Sept. 13 at 12, London.—*Thomas Learing Coombe*, Lambeth-walk, baker, Sept. 17 at 12, London.—*Hugh Talbot* and *Hugh P. Talbot*, Sidmouth, Devonshire, druggists, Sept. 13 at 1, Exeter.—*J. Grimshaw*, Bolton-le-Moor, licensed victualler, Sept. 11 at 12, Manchester.—*Thomas Kenyon*, Newton Heath, near Manchester, manufacturing chemist, Sept. 12 at 12, Manchester.—*Edward Patterson*, Birmingham, draper, Nov. 10 at half-past 10, Birmingham.

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*James Harris*, Commercial-road, Lambeth, and Cornbury-place, Old Kent-road, Surrey, and Charlton, near Woolwich, and Plumstead, Kent, potter.—*Henry Mills*, Great Portland-st., Marylebone, tobaccoist.—*Wilmet James Nokes*, South-st., Spitalfields-market, potato salesman.—*J. Eldon*, Church-row, Limehouse, shipowner.—*Thos. Collingwood Ker*, Hans-place, Chelsea.—*Charles Greene*, Charrington-street, Oakley-square, St. Pancras, bookseller.—*George Christmas Long*, Dartford, Kent, draper.—*Alexander Peet*, Manchester, shoe manufacturer.—*Isaac Mottershead*, Macclesfield, Cheshire, builder.

PARTNERSHIP DISSOLVED.

*Frederick Webber* and *Thomas Crabbe*, Trowbridge, Wiltshire, attorneys and solicitors.

COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed *Thomas Stone*, gent., of 6, Welclose-square, to be a London Commissioner.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed *Charles Woodbridge*, gent., of Uxbridge, Middlesex, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Middlesex.

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# The Jurist

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SEPTEMBER 1, 1855.

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## GAZETTES.—FRIDAY, Aug. 24.

## BANKRUPTS.

**HENRY KNIGHT FURNELL** and **ALBERT KAHL**, Fenchurch-street, insurance brokers, Sept. 3 at 12, and Oct. 2 at half-past 12, London: Off. Ass. Whitmore; Sol. Walton, 30, Bucklersbury.—Pet. f. Aug. 15.

**REUBEN DICKINSON**, Witcham, near Ely, dealer and chapman, Sept. 3 at 11, and Oct. 12 at 12, London: Off. Ass. Cannan; Sol. Teague, 5, Crown-court, Cheapside.—Pet. f. Aug. 22.

**HENRY WILLIAM BROWN**, St. Albans, dealer and chapman, Sept. 3 at half-past 1, and Oct. 2 at 2, London: Off. Ass. Cannan; Sols. Fox & Son, 40, Finsbury-circus.—Pet. f. Aug. 16.

**JOHN SMITH**, Sheerness, dealer and chapman, Sept. 3 at 2, and Oct. 2 at 1, London: Off. Ass. Whitmore; Sols. Warry & Co., 7, New-inn.—Pet. f. Aug. 22.

**GEORGE HILL**, Kentish-town, dealer and chapman, Sept. 4 and Oct. 12 at 1, London: Off. Ass. Whitmore; Sol. Chidley, 19, Gresham-street.—Pet. f. Aug. 23.

**JOHN JESSUP SEWELL**, Brighton, dealer and chapman, Sept. 6 and Oct. 9 at 12, London: Off. Ass. Edwards; Sol. Lee, 7, Gray's-inn-square.—Pet. f. Aug. 22.

**NATHAN LEVY**, Worcester, dealer and chapman, Sept. 3 and Oct. 4 at 11, Birmingham: Off. Ass. Bittleston; Sols. Hodgson, Birmingham; Sole & Co., London.—Pet. d. Aug. 21.

**JOHN JENNINGS**, Tethury, Gloucestershire, woollen-draper, Sept. 4 and Oct. 15 at 11, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol.—Pet. f. Aug. 18.

**DAN DAY**, Dewsbury, Yorkshire, dealer and chapman, Sept. 10 at 12, and Oct. 12 at 11, Leeds: Off. Ass. Hope; Sols. Chadwick, Dewsbury; Bond & Barwick, Leeds.—Pet. d. Aug. 21.

**SAMUEL BRIGGS**, **WILLIAM BRIGGS**, and **ABRAHAM BANKS**, Keighley, Yorkshire, dealers and chapmen, Sept. 10 and Oct. 12 at 11, Leeds: Off. Ass. Hope; Sols. Weatherhead & Burr, Keighley; Bond & Barwick, Leeds.—Pet. d. Aug. 10.

**DEX BEAN**, Halifax, dealer and chapman, Sept. 11 and Oct. 5 at 11, Leeds: Off. Ass. Hope; Sols. Stocks & Co., Halifax; Bond & Barwick, Leeds.—Pet. d. Aug. 16.

**ANTHONY O'DONNELL**, Liverpool, dealer and chapman, Sept. 6 and 27 at 11, Liverpool: Off. Ass. Bird; Sol. Pemberton, Liverpool.—Pet. f. Aug. 9.

**THOMAS WALTON**, Haverton-hill, Durham, glass manufacturer, (trading under the style or firm of T. Walton & Co.), Aug. 30 at half-past 11, and Oct. 17 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Brignal, Durham; Hartley, 6, Southampton-street, Bloomsbury.—Pet. f. Aug. 17.

**RICHARD BIRTWISTLE**, Bury, Lancashire, innkeeper, Sept. 4 and 27 at 12, Manchester: Off. Ass. Pott; Sol. Whitehead, Bury.—Pet. f. Aug. 21.

## MEETINGS.

*Thos. Wade*, Newlay, near Leeds, stone merchant, Nov. 6 at 12, Leeds, pr. d.—*S. Sucksmith*, Crompton, Lancashire, cotton manufacturer, Sept. 5 at 12, Manchester, ch. ass.—*E. Castendieck*, Mincing-lane, ship agent, Sept. 3 at 11, London, aud. ac.—*Wm. Perfect Lockwood*, Wakefield, chemist, Sept. 5 at 2, London, aud. ac.; Sept. 14 at half past 1, div.—*H. Adams*, Urbridge, corn dealer, Sept. 5 at 2, London, aud. ac.; Sept. 14 at 1, div.—*Mark Boyd*, New Bank-buildings, share-broker, Sept. 5 at half-past 1, London, aud. ac.—*Jas. Pickford*, Hazlegrove, Cheshire, plumber, Sept. 5 at 12, Manchester, aud. ac.—*Richard J. S. Robins*, Tavistock, attorney, Sept. 13 at 1, Exeter, aud. ac.; Sept. 20 at 1, div.—*Josiah Harris*, Hepwell Mills, Quethiock, Cornwall, miller, Sept. 13 at 1, Exeter, aud. ac.—*Thos. Hake*, Exeter, furrier, Sept. 13 at 1, Exeter, aud. ac.—*Thos. Hill*, Exeter, carrier, Sept. 13 at 1, Exeter, aud. ac.—*George Richards*, Aller, near Langport, Somersetshire, innkeeper, Sept. 20 at 1, Exeter, aud. ac.—*John Mansfield*, Lyme Regis, Dorsetshire, shipbuilder, Sept. 13 at 1, Exeter, aud. ac.; Sept. 20 at 1, div.—*Thomas Stone Besley*, Tiverton, Devonshire, grocer, Sept. 13 at 1, Exeter, aud. ac.; Sept. 20 at 1, div.—*George Norman Bull*, Tiverton, Devonshire, druggist, Sept. 13 at 1, Exeter, aud.

ac.; Sept. 20 at 1, div.—*Edwin Adolphus Lock*, Curry Rivell, Somersetshire, linendraper, Sept. 13 at 1, Exeter, aud. ac.; Sept. 20 at 1, div.—*Robert Wilson Wyllie*, St. Leonard, Devonshire, flax scatcher, Sept. 13 at 1, Exeter, aud. ac.; Sept. 20 at 1, div.—*Samuel Rose* and *Robert Willy Rose*, Honiton, Devonshire, drapers, Sept. 13 at 1, Exeter, aud. ac.; Sept. 20 at 1, div.—*G. Hawke*, Polruan, Cornwall, dealer in hardware, Sept. 13 at 1, Exeter, aud. ac.—*Jas. Dennis*, Torquay, Devonshire, innkeeper, Sept. 13 at 1, Exeter, aud. ac.—*David Couzens*, East Stonehouse, Devonshire, cab proprietor, Sept. 17 at 1, Plymouth, aud. ac. and div.—*John Boddington*, Manchester, malt factor, Sept. 17 at 12, Manchester, div.—*Philip Greenslade*, Stoke Canon, Devonshire, farmer, Sept. 20 at 1, Exeter, div.—*William John Norworthy*, Sidmouth, Devonshire, baker, Sept. 20 at 1, Exeter, div.—*John Phillips*, Drimpton, Broadwinsor, Dorsetshire, baker, Sept. 13 at 1, Exeter, aud. ac.

## CERTIFICATES.

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*Thomas Loaring Coombe*, Lambeth-walk, baker, Sept. 17 at 12, London.—*Thomas Boslock*, Manchester, packer, Sept. 17 at 12, Manchester.—*Thomas Wade*, Newlay, near Leeds, stone merchant, Nov. 6 at 12, Leeds.

*To be granted, unless an appeal be duly entered.*

*John Merke*, Duke-street, Manchester-square, butcher.—*Charles Blanks*, East Hanningfield, Essex, blacksmith.—*Joseph Douglas*, Summer-terrace, Brompton, apothecary.—*Christopher Rowles Bell*, Hounslow, coal merchant.—*John Walker Brown*, Sloane-street, Middlesex, upholsterer.—*Richard Lear Myford*, Torquay, Devonshire, tailor.—*Thomas Sephton*, Prescott, Lancashire, licensed victualler.—*Thomas Lake*, Wakefield, grocer.—*William Powell*, York, linendraper.

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## TUESDAY, Aug. 28.

## BANKRUPTS.

**GEORGE SIXTO BAYLEY**, Crown-court, Philpot-lane, commission agent, Sept. 5 at 11, and Oct. 8 at 12, London: Off. Ass. Nicholson; Sol. Reed, 11, Ironmonger-lane.—Pet. f. July 24.

**JOSEPH MILLER**, Piccadilly, fishmonger, Sept. 5 at 1, and Oct. 12 at half-past 1, London: Off. Ass. Whitmore; Sol. Reed, 11, Ironmonger-lane.—Pet. f. July 31.

**JOHN WISE**, Heath-villa, Bournemouth, Hampshire, dealer and chapman, Sept. 4 and Oct. 12 at 1, London: Off. Ass. Whitmore; Sol. Chapple, 19, Great Carter-lane, Doctors' Commons.—Pet. f. Aug. 15.

**EDWARD FIRMIN ELLIS**, Hendon, Middlesex, and Royal Exchange-buildings, London, stockbroker, Sept. 12 at 12, and Oct. 12 at half-past 1, London: Off. Ass. Whitmore; Sol. Murray, 11, London-street, Fenchurch-street.—Pet. f. Aug. 10.

**THOMAS EDWARD SHALES**, Brighton, dealer and chapman, Sept. 11 and Oct. 2 at 2, London: Off. Ass. Lee; Sols. Ashurst & Co., 6, Old Jewry, Cheapside.—Pet. f. Aug. 18.

**SAMUEL JENNINGS** the younger, Goswell-street, carver and gilder, Sept. 11 at half-past 2, and Oct. 16 at 12, London: Off. Ass. Lee; Sol. Leigh, 16, George-street, Mansion-house.—Pet. f. Aug. 21.

**ROBERT WALL**, Piccadilly, saddler, Sept. 11 at 12, and Oct. 16 at 1, London: Off. Ass. Edwards; Sol. Robinson, 6, Half Moon-street, Piccadilly.—Pet. f. Aug. 25.

**ELLIS CUTLAN**, Newport, Monmouthshire, dealer and chapman, Sept. 10 and Oct. 8 at 11, Bristol: Off. Ass. Miller; Sol. Nash, Bristol.—Pet. f. Aug. 18.

**EDWARD ROBERTS**, late of Hulme, but now of Stretford, Lancashire, dealer and chapman, Sept. 7 and 23 at 12, Manchester: Off. Ass. Fraser; Sol. Atherton, Manchester.—Pet. f. Aug. 25.

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## THE JURIST.

LONDON, SEPTEMBER 1, 1855.

FROM the past course of law-making as to judgment charges we may learn with how little effective consideration the duty of mending the law is undertaken and discharged. A man will shape his mercantile speculations, build his house, even order his coat or his dinner, with the nicest and most painful regard to every remote consequence to himself that can be forecast; and he will bestow as much care on his neighbour's affairs when he undertakes them professionally, whether for reward or for love. What he then does, either for himself or for another, will bear to be tried even by the event, due allowance being made for his limited faculties and lights. But set a man to contrive and order a new thing for society at large, in which neither he nor his employer have the main or any noticeable direct interest, and his work, when the means of judging it are ready, will appear like the first attempts of childhood. We feel that Bentham missed the root of the matter in referring the inferiority of the work done for the public to the absence of direct personal interest. Without vilifying human nature, we may trace the effect to a more simple and universal cause—the difficulty of doing anything new, to which all men testify as much by their proneness to observe custom and precedent in their own affairs, as by their high rating of novelty and invention in others' works. What is most truly new and valuable in a man's own work is least esteemed by him, because done with ease by powers whose slow growth he has not noticed, and whose working is familiar. Thus Petrarch, writing frigid latin verses with labour and difficulty, prized them, while he thought little of the polish and refinement he gave to his native language, the matured fruit of that ever-active fastidiousness which in his youth displayed itself in tight boots and other personal affectations. So it is seen that the habits of thought

which constitute the dramatic power seldom co-exist with the accomplishments of the novelist. Shakespeare borrowed his stories, and Molière did the same or did without one:—Fielding and Scott could not write plays\*. The moral of all this is, that we must not expect any kind of work to be well done except by those who from their youth have been in the habit of doing it, always taking care to distinguish between doing and pretending—in other words, between the work done in private establishments and the shew made in public offices. If we go to a pleader for pleadings, to a conveyancer for deeds, we must go to a reformer for bills. But by this advice we are for the time rather put back than forwarded. There is no such trade or profession as that of a law reformer, though the name is assumed by political and other adventurers—aspirants even to the woollack—their practices being what Sir E. Herbert, C. J., once described that of the vintner to be, not an art, but a cheat. Amateurs, who so often, in following their own pursuits, qualify themselves to do the State yeoman's service, fail us here. The art of amending the law can no more be exercised in private than the forensic or the military arts. We must create the profession. The State must establish a department of law reform, making the service a provision for life, and an ample and honourable one; giving advancement within the office, but no passage from it to anything higher. The chief men in the office must be as independent of government and of parliamentary and popular influence and clamour as the Astronomer Royal. Above all, they must begin early. But let us return to our sheep. We intended to review the whole flock, and to shew, by a comprehensive sketch of the entire subject of real assets and judgment charges on land, how miserably feeble and inefficient the legislative and judicial attempts to solve the problem—"how to satisfy the creditor out of his debtor's

\* The Turcaret of Le Sage and Goldsmith's two plays are exceptions in the comic drama.

lands"—have hitherto been; but we must defer that task to another opportunity, and make amends for the foregoing speculations by a practical exposition of the act of the last session, "for the better protection of purchasers against judgments, crown debts, cases of *lis pendens*, and life annuities or rent-charges," (18 & 19 Vict. c. 15), which is, on the whole, a beneficial, though by no means a comprehensive or well-drawn, measure.

The first three sections relate to judgments and decrees of the county palatine courts, as to which, before the passing of the act, the law stood thus:—By the 21st section of stat. 1 & 2 Vict. c. 110, all the remedies, authorities, and provisions of that act applicable to the superior courts of common law at Westminster and the judgments and proceedings therein, were extended and made applicable to the Court of Common Pleas of the county palatine of Lancaster and the Court of Pleas of the county palatine of Durham, within the limits of their respective jurisdictions; and the same effect was given to the judgments of these courts within their respective jurisdictions as was given by the act to judgments of the common-law courts at Westminster. But it was provided that no judgment of either of the palatine courts should by virtue of the act affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until it was registered with the proper officer of the palatine court, in the same manner as judgments of the courts at Westminster are required to be registered in the Common Pleas. The stat. 2 & 3 Vict. c. 11, s. 4, which required the registry of judgments to be renewed every five years, for the purpose of binding lands as against purchasers, mortgagees, and creditors, is not expressed in such terms as to include judgments of the palatine courts; and the 5th section of that act, which declared that "none of such judgments, decrees, &c. as aforesaid" should have any further or other operation, as against purchasers and mortgagees without notice, than a judgment duly docketed would have had before the stat. 1 & 2 Vict. c. 110, seems to be equally inapplicable to judgments of the palatine courts. The 2nd section of the 3 & 4 Vict. c. 82, which was directed against doubts founded on the strange decisions as to the effect of notice under the Docket Acts, and declares that no unregistered judgment, &c. shall, by virtue of the 1 & 2 Vict. c. 110, bind lands as against purchasers and mortgagees even with notice, is also confined in terms to judgments of the courts at Westminster. The consequence was, that a judgment of a palatine court, if duly registered there, bound the whole of the debtor's land within the jurisdiction, as against purchasers and mortgagees without notice, whether claiming by direct conveyance or by appointment; and it was doubtful whether notice of such judgments would not render the omission to register immaterial.

As the county palatine of Lancaster was erected by Edward III, and in the fiftieth year of his reign granted in Parliament to his son John Duke of Lancaster, with all royal prerogatives, writs, executions, &c., we presume that the writ of *elegit*, granted by the Statute of Westminster 2, (13 Edw. 1, c. 18), has always been available upon judgments of the Court of Common Pleas in that county; and, if so, the omission

to register a judgment there, in accordance with the provisions of the 1 & 2 Vict. c. 110, s. 21, though it prevented the judgment from operating under that act as against purchasers, mortgagees, and creditors, did not affect its operation under the Statute of Westminster 2. Whether any remedy in the nature of an *elegit* could, before the stat. 1 & 2 Vict. c. 110, be had upon a judgment in the Court of Pleas of Durham, which is a county palatine by prescription, is more than our sources of reference at hand enable us to say.

The object of the first three sections of the new act is to place judgments of the palatine courts on the same footing in these respects with judgments of the courts at Westminster, and to extend the provisions in the 1 & 2 Vict. c. 110, and the 2 & 3 Vict. c. 11, as to rules, orders, and decrees for payment of money, and *lis pendens*, to the counties palatine. They enact, in substance—

1. That a judgment in a palatine court obtained before the act of 1 & 2 Vict., and not registered there, shall not affect lands, as against purchasers, mortgagees, and creditors, unless and until it is registered. (Sect. 1).

2. That the provisions of the 18th, 19th, and 20th sections of the 1 & 2 Vict. c. 110, (giving to decrees, orders, and rules for the payment of money the same force as judgments, and providing for the registration of them), shall apply, *mutatis mutandis*, to the counties palatine and the courts of common law thereof respectively, and the Court of Chancery of Durham, within the limits of their respective jurisdictions. (Sect. 2).

3. That the provisions of the 2 & 3 Vict. c. 11, ss. 3, 4, 5, and 7, and the 3 & 4 Vict. c. 82, s. 2, respecting the registration and re-registration of judgments, decrees, orders, and rules, and *lis pendens*, and the protection of purchasers, mortgagees, and creditors, shall extend, *mutatis mutandis*, to the counties palatine and the courts of common law thereof respectively, and the Court of Chancery of Durham, within the limits of their respective jurisdictions. (Sect. 3).

The provision of the 3 & 4 Vict. c. 82, s. 2, that no judgment not registered should, *by virtue of the act 1 & 2 Vict. c. 110*, affect lands as against purchasers with notice, left it open to question whether judgments not docketed nor registered might not affect lands under the Statute of Westminster 2, as against purchasers and mortgagees with notice, although judgments once registered, and not re-registered within five years, would not have that operation. This question, and also the question whether notice to a purchaser of a judgment once registered, but not within the last five years, would not bind him, (see 9 Jur., part 2, p. 131), have been set at rest by the 4th and 5th sections of the new act, which in effect declare that no judgment, &c. shall affect any lands, &c., as against purchasers, mortgagees, and creditors, unless duly registered or re-registered within the five years. Thus, after four legislative efforts of the most eminent lawyers of the day, this little object of regulating the relative claims of judgment creditors and purchasers upon *some* consistent plan (whether the wisest is quite another question) seems to have been attained, though in such a way as requires two or three hours' patient study of as many acts of Parliament to determine whether it has been attained or not, and how.



We do not charge the next (the 6th) section of the new act on the framers of the preceding acts. It merely overrules the untenable doctrine in *Freer v. Hesse*, (17 Jur., part 1, pp. 177, 702; see *Id.*, part 2, p. 98), that a judgment becomes altogether void and lapsed, as against purchasers, &c., by a single omission to renew the registration within five years.

By sect. 7 of the new act the proviso in sect. 22 of the 1 & 2 Vict. c. 110, that no judgments, &c. of an inferior court, removed into a superior court, shall bind lands as against purchasers, &c. until the writ of execution reaches the sheriff, is repealed; and such judgments, &c. so removed are placed on the same footing as original judgments of the superior courts, both as to their operation and as to the condition of registration and re-registration.

Sect. 10 of the new act places orders in bankruptcy for the payment of debts admitted to be due to the bankrupt's estate, and orders in bankruptcy for payment of costs, respectively having by sects. 123 and 249 of the Bankrupt-law Consolidation Act, 1849, the effect of a judgment, on the same footing as to registration and re-registration as judgments.

The next provision (sect. 11) is not so satisfactory. It relates to the question first brought into notice by the decision of Sir L. Shadwell, V. C., in *Harris v. Davison*, (15 Sim. 128), whether a judgment is not a charge upon every possible interest in land of every possible description, to this extent, that a purchaser paying off an annuitant, mortgagee, or other incumbrancer, and taking the legal estate from him, is without notice bound by every registered judgment against him, to the extent of his annuity, mortgage, or incumbrance, and that a purchaser paying off an equitable incumbrance is bound by every judgment against the incumbrancer of which he has notice, (see *Young-husband v. Gisborne*, 1 De G. & S. 209; *Clare v. Wood*, 4 Hare, 81; and *Russell v. McCulloch*, 1 Jur., N. S., part 1, p. 157)—a doubt at first very much discountenanced in practice, (see the Report of the Registration and Conveyancing Commission of 1860, p. 513), but which has been gaining ground, and, in the minds of some practitioners, was tending to consequences thus traced by an ingenious writer\*:—"Take a case of not uncommon occurrence—An estate is charged, by settlement or will, with annuities to the widows of former owners, and with portions for their successive younger children, and is then incumbered in favour of a dozen different persons, and finally sold. What, under these circumstances, would be the position of the purchaser? He would have to search for judgments, decrees, &c., first against the person having the legal estate, (unless a bare trustee), and next in succession against the widows, the younger children, the several mortgagees and incumbrancers, and finally the mortgagor. The searches, however, would not end here: should judgments exist against the various individuals, a new task is imposed upon the unhappy purchaser, and he must then commence another series of searches against the different creditors who have obtained the several judg-

ments. But further: should judgments have been entered up against the latter, the search must then be renewed against the judgment creditors, and so on from one set of judgment creditors to another, possibly running through the whole alphabet, until at last no judgment is found against any one having the remotest connexion collaterally with the title." Let no one accuse Mr. Boyle of whimsicality in this picture until he has shewn how to get rid of the doctrine of the Lords Justices in *Freer v. Hesse*, (17 Jur., part 1, p. 703; see *Id.*, part 2, p. 286), that a title alleged to rest on the possession of the legal estate, without notice of a particular incumbrance on the equity, is not marketable to one who has notice of that incumbrance. As Mr. Boyle says, that decision has virtually annulled Lord St. Leonards' Act, 2 & 3 Vict. c. 11. The new act attacks only one family of these mosquitos, namely, the judgment and prerogative creditors of a mortgagee. By sect. 11, purchasers and mortgagees, by conveyance subsequent to the act, of any legal or equitable estate, interest, or disposing power in or over land, are protected against the judgment and Crown debts of mortgagees paid off before or at the time of such conveyances. This is a short step in the right direction. According to precedent, we cannot expect to have the evil fully remedied until three or four more acts have been passed for the purpose.

The last provision in the act is a very odd one. Introduced by a statement, that by reason of the repeal (with the usury laws) of the Annuity Act, 55 Geo. 3, c. 141, purchasers are deprived of the means of discovering annuities by search, it enacts that no annuity or rent-charge determinable on a life or lives granted after the passing of the act, otherwise than by marriage settlement or will\*, shall affect lands, as to purchasers or mortgagees, unless and until a memorial of the name, &c. of the person whose estate is charged, and the date of the deed, bond, instrument, or assurance whereby the annuity is granted, and the annual amount, is registered at the Common Pleas, to be indexed there for search. It was very unusual to search for annuities, though the search, being in strictness a necessary precaution, was frequently advised. But now that the act has provided a registry of annuities, not, like the repealed registry, for the purpose of exposing usurers and spendthrifts, but expressly for the protection of purchasers, a solicitor can in no case with safety neglect to make the search, both in the new registry and in the old one. We foresee a host of questions on, and a long tail of amending acts to follow, this provision, but our space will only suffice for these brief inquiries:—Why, in the present state of practice as to the possession of title deeds, is a provision for protecting purchasers to be confined to incumbrances of a kind which do not necessarily imply possession of the deeds? Why of such incumbrances are life annuities alone to be selected? Why, rather, are incumbrances to be registered, sales and settlements not? Why, when judgments must be re-registered every five years, are annuities not placed on the same footing? And why does not this provision, with such a preamble as it has, and following such elaborate provisions as to notice of unregistered

\* "Suggestions for a General Index of Title, by W. R. A. Boyle, Esq.," an original reproduction of Mr. Wilson's plan in masquerade, which we shall notice when the question of registration comes again into season.

\* The exception of annuities created by settlement is contained in sect. 12; that of annuities created by will is in sect. 14. Such is the nice derangement of clauses in this act.

judgments, expressly preclude the question as to the effect of notice of an unregistered annuity, which will certainly be raised upon it?

We think we have proved our assertion, that our law-makers are still very bungling apprentices.

## FIRST REPORT OF THE COUNTY COURTS COMMISSION.

(Concluded from p. 332).

### OBSERVATIONS BY MR. TAYLOR—(Continued).

The majority of the commissioners, while they recommend that the chief clerks should be paid wholly by salaries, appear to consider that such a mode of payment would be dangerous with respect to the high bailiffs. "The duties of the high bailiffs are of so peculiar a description." This vague language appears to me to be really unmeaning. There is nothing peculiar in the duty of a bailiff. If the system proposed in the Report be expedient in the case of high bailiffs, it is equally applicable to officers of customs and excise, to policemen, to postmen, to railway porters, to medical officers of unions. All these officers have responsible duties to perform, with no more immediate supervision than high bailiffs. If a high bailiff neglects his duty, the judge must almost inevitably hear of it; for creditors, as a body, are little likely to let their interests be disregarded with impunity. Then, if the judge does hear of it, the penalty to which the bailiff is exposed is sufficiently severe. Under rule 41 it is provided, that "if the non-service of a summons has been caused by the neglect of the bailiff, the poundage for such summons shall be paid by the bailiff, and the successive summons shall be served by him without further fee." I refer to this rule as shewing that the commissioners are scarcely justified in asserting that the high bailiffs are "so little under the immediate control of the judge."

If it be not expedient to pay postmen for every mile they walk and every letter they deliver—and if policemen ought not to be remunerated in proportion to the length of their beat, and the number of offenders whom they apprehend—I am at a loss to discover how the system proposed in the Report can be regarded as sound. Some few years back that very system was tried with the medical officers of unions. They were appointed at a yearly unremunerative salary, but they were allowed to charge special fees for attending women in labour, and for other operations. Precisely the arguments put forward by the commissioners were urged in support of this mode of payment. It was tried—it failed; and now, throughout the country, it has been uniformly abandoned at the instance of the Poor-law Board, and the plan of paying medical officers by a remunerative salary, without fees, has been substituted in its place.

In recommending that the high bailiffs should be paid partly by salary and partly by payments proportioned to the distance they travel, the commissioners do not condescend to particulars, or explain in what mode they propose to calculate the remuneration for travelling; but I presume that one or other of the four following plans must be adopted:—

1. A certain sum per mile for the service of each process.
2. A certain sum per mile travelled in the performance of duty.
3. A certain sum per mile for the service of each process beyond two miles from the court.
4. A certain sum per mile for each effective journey beyond two miles from the court.

The first plan, if adopted, would operate most unfairly. In a district containing a scattered population, the service of almost every process might require a

separate journey; but if the district contained two or three towns or populous villages, a single journey might suffice for the service of twenty summonses. For precisely the same duty one bailiff might be paid a shilling and another a sovereign.

Moreover, in the case last suggested, the interest of the bailiff would be directly opposed to his duty. His duty would be to serve the process as soon as it was entrusted to him; but his interest would be to keep the process by him until others requiring service in the same locality came to hand, so that he might be enabled, in popular phraseology, to kill several birds with one stone. In the meantime, the debtors would escape or make away with their property, and the result would be, that the creditors would be defrauded.

The second plan is at least equally objectionable; for how would it be possible to ascertain what number of miles had really been travelled in the performance of duty? No system of checks could be invented which would prevent fraudulent demands from being made, or detect them when made. The plan would be a positive premium on dishonesty.

The third plan is open to the same objection as the first; and the fourth is as impracticable as the second.

Both these last plans would also have a direct tendency to induce bailiffs to neglect their duty with respect to the service of process within two miles from the court; for as that duty would be unremunerative, it would, on the principles enunciated by the commissioners themselves, become a mere secondary consideration, whenever more lucrative employment was in hand.

Moreover, if either of these last two plans was adopted, the metropolitan high bailiffs would be utterly ruined.

If any further argument were required to shew the inexpediency of the plan proposed in the Report, it might be furnished by the conduct of the high bailiffs themselves.

The object in view is to give them "a strong interest in the complete performance of their duties;" for it is presumed that without such an interest the duties will not be efficiently performed. Now, if this doctrine is worth anything, it must apply to the underbailiffs, who actually do the work, at least as forcibly as to the high bailiffs, who superintend it. But what is the actual practice? I believe, on inquiry, it would turn out that underbailiffs are uniformly paid, not by piece work, but by salary. In my own courts this system prevails, and works well; and, as far as I can discover, the same system is in general operation throughout the country.

The plan, therefore, which I venture to submit, in opposition to that proposed in the Report, is, that the high bailiffs, like the chief clerks, should be paid exclusively by salaries; but as the high bailiffs are required in the discharge of their duties to pay considerable sums out of pocket, both for keeping possession of goods taken in execution and for carrying delinquents to gaol, I think that they ought to be reimbursed these expenses. I therefore propose that they should still be allowed the fee mentioned in the Report\* for keeping possession of goods, and also such sums in respect of mileage, or expenses incurred in carrying delinquents to gaol, as the Lords of the Treasury may from time to time sanction with regard to each district. In fixing the amount of these payments, the object should be, not to remunerate the high bailiffs, but simply to protect them from loss.

J. PITT TAYLOR.

\* "For keeping possession of goods till sale, per day, (including expenses of removal, storage of goods, and all other expenses whatever), not exceeding five days, 6d. in the pound on the value of the goods seized." (See ante, p. 297).

## MEETINGS.

*Charles T. Judkins*, Manchester, and Cannon-street West, London, sewing machine manufacturer, Sept. 11 at 12, Manchester, pr. d.—*Luis Cassie*, Cardiff, lodging-house keeper, Sept. 24 at 11, Bristol, last ex.—*R. K. Meaden*, Walbrook, wine merchant, Oct. 4 at 12, London, aud. ac.—*Francis E. Tucker*, Copthall-buildings, London, and Hornchurch, Essex, commission agent, Sept. 27 at 12, London, aud. ac.—*Robert Blacklock* and *Douglas Blacklock*, New-road, Whitechapel, drapers, Sept. 22 at 11, London, aud. ac.—*Walter Brettell*, Little Marlborough-street, printer, Sept. 22 at 12, London, aud. ac.—*Buchanan Balfour*, Pinner's-hall-court, Broad-street, underwriter, Sept. 22 at 2, London, aud. ac.—*Joseph Harnden*, Webb-street, Southwark, and Three Oak-lane, Horseleydown, bricklayer, Sept. 17 at 1, London, aud. ac.—*James Smith*, Philpot-lane, tea dealer, Sept. 20 at 1, London, aud. ac.—*Charles James Wm. Morris*, Bilston, Staffordshire, draper, Sept. 19 at half-past 10, Birmingham, aud. ac.—*H. Barber*, Kidderminster, licensed victualler, Sept. 19 at half-past 10, Birmingham, aud. ac.—*Henry Joseph Kell*, Brierley-hill, Staffordshire, grocer, Sept. 19 at half-past 10, Birmingham, aud. ac.—*Edward Spencer*, Coventry, dealer and chapman, Sept. 19 at half-past 10, Birmingham, aud. ac.—*Enoch Lee*, Hollywood, King's Norton, Worcestershire, grocer, Sept. 19 at half-past 10, Birmingham, aud. ac.—*J. Marsden*, Balsall Heath, Worcestershire, licensed victualler, Sept. 22 at 11, Birmingham, aud. ac.—*George H. Morgan*, Hereford, builder, Sept. 22 at 11, Birmingham, aud. ac.—*G. Edwards*, Oldswinford, Worcestershire, licensed victualler, Sept. 22 at 11, Birmingham, aud. ac.—*Thomas B. Walden*, Liverpool, silk mercer, Sept. 6 at 11, Liverpool, aud. ac.—*Wm. Emmott*, Leicester-square, tailor, Sept. 21 at 2, London, div.—*Edward Benj. Clarkson*, Bread-st., Cheapside, manufacturers' agent, Sept. 20 at 12, London, div.—*John Young* and *Jasper Young*, Bread-st., Cheapside, warehousemen, Sept. 26 at half-past 11, London, div.—*Edw. Hawkins*, Ponsonby-street, Westminster, builder, Sept. 21 at half-past 12, London, div.—*John Flatt*, Saxmundham, Suffolk, draper, Sept. 25 at 11, London, div.—*Wm. Hudson*, Church-street, Hackney, grocer, Sept. 27 at 11, London, div.—*John Winzar*, Salisbury, apothecary, Sept. 20 at 1, London, div.—*W. Nehemiah Parson*, Gravel-lane, Southwark, millwright, Oct. 6 at 11, London, div.—*H. Oppenheim*, Ramsgate, ship chandler, Sept. 18 at 2, London, div.—*John Sykes*, Little Tower-hill, clothier, Sept. 25 at 12, London, div.—*John Railton* and *James Pavey*, Manchester and Colne, manufacturer of mousseline de laines, Sept. 18 at 12, Manchester, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*W. Brettell*, Little Marlborough-street, printer, Sept. 22 at 12, London.—*Peter Poland* and *Evan Barnett Meredith*, Bread-st., Cheapside, furriers, Oct. 5 at 2, London.—*James Smith*, Philpot-lane, tea dealer, Sept. 20 at 1, London.—*J. Bailey Serjeant*, Portsmouth, wine merchant, Sept. 21 at 12, London.—*Charles Viner*, Barge-yard, Bucklebury, ironmonger, Sept. 20 at 2, London.—*James Burford* the elder and *James Burford* the younger, St. Neot's, Huntingdonshire, builders, Sept. 19 at 1, London.—*Samuel Hodgson*, Great Marylebone-st., stationer, Sept. 18 at 12, London.—*William Grant*, Brighton, news-vender, Sept. 17 at 2, London.—*John Wilson Davis*, Deptford, grocer, Sept. 18 at 12, London.—*Elizabeth Whitaker*, Romford, plumber, Sept. 18 at 1, London.—*Jas. Topper Every*, Devonport, cabinet maker, Sept. 17 at 1, Hall of Commerce, Plymouth.—*John George Claus*, Liverpool, merchant, Sept. 19 at 11, Liverpool.—*Charles T. Judkins*, Manchester, and Cannon-street West, London, sewing machine manufacturer, Sept. 18 at 12, Manchester.—*James Lea*, Birmingham, builder, Oct. 4 at half-past 10, Birmingham.—*Clarinda Kilner*, Walsall, licensed victualler, Oct. 1 at half-past 10, Birmingham.

To be granted, unless an Appeal be duly entered.

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## TUESDAY, Sept. 4.

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*William Miller*, Whitechapel-road, coffee-house keeper, Oct. 11 at 2, London.—*Henry Baker*, Camomile-street, London-wall, sugar boiler, Sept. 25 at 1, London.—*Thos. Davis*, New-quay, Cardiganshire, shipbuilder, Sept. 25 at 11, Bristol.—*John Richardson*, Manchester, umbrella manufacturer, Sept. 26 at 12, Manchester.—*George Healey*, Preston, timber merchant, Sept. 27 at 12, Manchester.—*Peter Jameon*, Staley-bridge, Lancashire, tailor, Sept. 26 at 12, Manchester.—*Samuel How*, Liverpool, broker, Sept. 27 at 11, Liverpool.—*George Bateman*, Stanley, West Derby, Lancashire, licensed victualler, Sept. 27 at 12, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Jonathan Smart*, Saffron Walden, Essex, cabinet maker.—*Thomas Morse*, Little Newport-street, Newport-market, wine merchant.—*John Turner*, Bunhill-row, machine maker.—*William Baker*, Cumberland-market, Middlesex, licensed victualler.—*Frederick Tallis*, Upper Chadwell-street, Clerkenwell, and Crane-court, Fleet-street, printer.—*James Waymouth*, Taunton, Somersetshire, stationer.—*John Mayhew*, Clarence-villas, Mortimer-road, de Beauvoir-town, Kingsland, and Leadenhall-street, mine share dealer.—*William Harris Paul*, Lawrence-lane, Cheapside, sack manufacturer.—*William Aspdin* and *Augustus William Ord*, Gateshead-on-Tyne, and Little Abingdon-street, Westminster, cement manufacturers.

## PARTNERSHIP DISSOLVED.

*Sidney Beisty*, *David Read*, and *Samuel Rowles Patison*, Lincoln's-inn-fields, attorneys and solicitors.



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[In the "Contents," ante, p. 337, the case in the Exchequer Chamber should have been printed as reported by H. Macnamara and G. Francis, Barristers at Law.]

THE JURIST.

LONDON, SEPTEMBER 8, 1855.

It has sometimes been supposed that there is something peculiar in the contract of suretyship which takes it out of the general rule prevailing in our law, that contracting parties must form their own judgment and exercise due caution for themselves before incurring legal obligations, and which assimilates it to contracts of assurance, where the party assuring is bound to disclose all he knows about the assured. Thus Lord Chancellor Truro in *Owen v. Homan* (15 Jur., part 1, p. 339; 20 L. J., Ch., 314) uses this language—"The cases which are reported have generally arisen out of transactions in which there has been personal communication between the creditor and surety; and the clear law deducible from these decisions is, that the creditor must make a full, fair, and honest communication of every circumstance calculated to influence the discretion of the surety in entering into the required obligation." His Lordship then compares the duty of the creditor in such a case to that of the assured in a policy of assurance, who, unasked, is bound to give the underwriter all the information in his power to enable him to estimate the character of the risk he is invited to undertake\*. This doctrine, however, was not acquiesced in by the House of Lords, to which the case was subsequently carried. (17 Jur., part 1, p. 861). It was felt to be a dangerous principle to import into contracts of this nature, and that no one would be safe in taking a guarantie if it were to be subject to so many circumstances affecting the liability of the surety, ultra the express contract into which he had entered. Accordingly, in the case of *Hamilton v. Watson*, (12

CL. & Fin. 109), which was a contract of suretyship on a cash account, Lord Campbell, C. J., delivering his opinion, said, "The question is, what, upon entering into such a contract, ought to be disclosed? And I will venture to say, if your Lordships were to adopt the principle laid down and contended for by the appellant's counsel here, that you would entirely knock up those transactions in Scotland of giving security upon a cash account, because no bankers would rest satisfied that they had a security for the advance they made, if, as it is contended, it is essentially necessary that everything should be disclosed by the creditor that is material for the surety to know." Equally clear and decisive is the judgment of the Court of Exchequer in the case of *The North British Assurance Company v. Lloyd*, (1 Jur., N. S., part 1, p. 45; 24 L. J., Ex., 14), which may be said to establish the principle, that a creditor who takes a guarantie is not bound to disclose to the surety every fact within his own knowledge which may affect the surety or his willingness to enter into the contract, and that such mere non-communication of facts will not, in the absence of actual fraud, affect the validity of the guarantie. The facts of that case were briefly these:—Sir Thomas Brancker obtained from the plaintiffs (an assurance company) a loan of 10,000*l.* for a certain period, on the deposit of shares, he agreeing to give further security, or pay off a portion of the loan, in the event of the value of the shares becoming depreciated below a certain sum. At the period for repayment such depreciation had taken place, but the loan was renewed for a further period on the same terms, on the deposit of additional shares, and the acceptance of James Brancker, the brother of the principal, for 2000*l.* Before the expiration of the renewed period, James Brancker, the brother, applied to the plaintiffs to be released on obtaining the guarantie of the defendant and three other persons for 500*l.* each. The plaintiffs assented, and a guarantie was

\* See also per Bayley, J., in *Pidcock v. Bishop*, (3 B. & Cr. 605).



drawn up by their solicitor, not referring to the acceptance, but reciting the consideration for the guarantie to be the original loan, and the plaintiffs agreeing not to require any further security in the event of the depreciation of the shares, as provided for by the original agreement. The defendant had no notice of the transaction between the plaintiffs and James Brancker. In an action upon the guarantie, the defendant contended that he was not liable, because he had not been informed that his security was required as a substitution for the security of James Brancker—a circumstance which might have induced him to make inquiries; and, indeed, the defendant swore at the trial that if he had known this fact he would not have become responsible. It was further urged that the recital in the guarantie was incorrect, and did not disclose the real state of the facts and the true object of the principal, and that in effect a legal fraud had been practised upon the defendant. The jury found that the substitution of security was not a circumstance material to be disclosed; and the Court held, that even if it had been material, the mere non-disclosure of it would not affect the defendant's liability; that nothing short of actual fraud would be sufficient for that purpose; and that the concealment, to be available by the surety, must have been made with a fraudulent intent. In the course of the argument Parke, B., said, "I deny that there is any such rule established as that the creditor is bound to disclose every fact that might affect the surety. Nothing short of actual fraud will do. If it were otherwise no person could safely take a guarantie. . . . According to the position contended for, the sureties could never be charged without letting the fresh sureties know. A very able treatise by an American jurist shews that it is by usage of trade that everything in cases of assurance must be disclosed, and that it does not rest on the ground of fraud." And in delivering judgment Pollock, C. B., said, "It is not a correct proposition that the same rule prevails in case of guaranties as in assurances on either ships or lives, in which it is a settled rule, no doubt, that all the material circumstances known to the assured are to be disclosed, though there should be no fraud in the concealment. It is a peculiar doctrine applicable to contracts of assurance, in which in general the assured knows, and the underwriter does not know, the circumstances of the voyage, and of other matters. . . . All the cases have been decided over and over again to be on the same footing as actual fraud, and not constructive fraud. But that the mere relationship of creditor and surety requires in all cases a full disclosure of all material circumstances was distinctly denied by the House of Lords in the case of *Hamilton v. Watson*, (12 Cl. & Fin. 109). . . . The non-disclosure of the circumstance of the change of security, even if it had been material, would not have vitiated the guarantie, unless it had been fraudulently kept back."

The result, therefore, of recent decisions upon this subject is, that the contract of suretyship is brought within the general rule applicable to other contracts, namely, that although avoided by actual fraud, it is not affected by mere non-disclosure or concealment of facts within the knowledge of the other contracting

parties, and that contracts of assurance form the only exception to this general rule, such exception being founded, by the usage of trade, upon the peculiar character of that class of contracts.

A CORRESPONDENT asks us whether, in writing our observations on the Dower Act, (ante, p. 337), we have sufficiently borne in mind the act of 17 & 18 Vict. c. 113. We had the act before us, but abstained from referring to it, lest we should needlessly, as we thought, complicate the consideration of a subject already sufficiently intricate. The act is not expressed with much precision, but we think that the absence of any intention to alter the rights of doweresses is sufficiently clear. It enacts, that when any person shall, after 1854, die seised or entitled to any estate or interest in any lands or other hereditaments charged by way of mortgage, without having by will or other document expressed a different intention, "the heir or devisee to whom such lands or hereditaments shall descend or be devised shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate or any other real estate of such person, but the lands or hereditaments so charged shall, *as between the different persons claiming through or under the deceased person*, be primarily liable to the payment of all mortgage debts with which the same shall be charged, every part thereof, according to its value, bearing a proportionate part." But the rights of the mortgages are not to be prejudiced; and the act is not to affect the rights of any person claiming under or by virtue of any will, deed, or document made prior to the year 1855.

This enactment is irrationally limited in its scope, and will be fertile in questions. The words "seised or entitled to any estate or interest in any lands or hereditaments" are sufficient to include leaseholds; but the mention of the heir or devisee only suggests a doubt whether they were contemplated; and if the principle of the act is just at all, (which may be doubted), it ought to have been extended to all kinds of specific charges on all kinds of property. Then it is not clear whether the saving extends to a will made before 1855 and confirmed or republished by a codicil in or after that year.

But to return to our correspondent's doubt. It is plain that the words "the lands or hereditaments so charged shall, *as between the different persons*," &c., must be taken with some qualification—in fact, must be cut down to agree with, and mean no more than, "the estate or interest" in such lands or hereditaments of or to which the deceased died "seised or entitled." For suppose the deceased, being seised in fee-simple in possession, had made a settlement—whether post-nuptial or not is immaterial—giving his wife a life interest, and afterwards procured her concurrence in a mortgage, and died: here the wife would be a person claiming under him, and no contrary intention would have been signified by any document, (for the prior settlement could no more signify such intention than a subsequent voluntary settlement or a devise of the equity of redemption would do so); yet no one will say that she is not to have her life estate exonerated by the debtor's assets. The act must therefore be read as applying only to the estate or interest belonging to the

testator at the time of his death, and transmissible, by reason of his death, to some person or persons who will then claim through or under him, (through him by descent, if the descent is to be traced from his ancestor; under him by devise or by descent from him as the purchaser). Now, the widow's dower, though barrable by the husband if she was married after the 1st January, 1834, is an interest to which, until he bars it, he is not entitled, and to which, if he does not bar it, he cannot die entitled, and an interest which is not claimed "through or under" him in the sense in which those words are obviously used in the act.

The act in question is another illustration of the extreme folly of attempting to reform the law by nibbling.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—Can any of your readers explain how the novel phrase "*cestui que trustent*" has found its way into the reports? I always thought that the terms "*cestui que vie*," "*cestui que use*," and "*cestui que trust*" were analogous, and that the last word in each was a substantive. No one, I suppose, can doubt it in the case of the first two: what authority is there for making the third a verb? The old meaning of "*trust*" is certainly that of "*use*," and signifies, not the act of trusting or of using, but the practical result, i. e. the benefit\*; so in the Statute of Uses we read of persons who "*have a use or trust*," and it enacts that "*the estate, &c. be in him or them that have or shall have any such use, confidence, or trust, after such quality, &c. as they had before in or to the use, confidence, or trust that was in them.*" As, then, before the statute the beneficial owner was *cestui que use*, or, more fully, *cestui que ad le use*, (Terms of the Law, "*Use*"), so now, if the use remains unexecuted, he is called in like manner "*cestui que trust*." The plural form, therefore, where there is but one trust for the benefit of several, must be "*cestuis que trust*," or "*ceux*" or "*celles que trust*;" and perhaps some of your readers who are scholars in the old French can tell us which form of the pronoun is most correct.

I am, Sir,

Your obedient servant,  
Hugo.

Lincoln's-inn, Sept. 1, 1855.

[There can be no doubt that the affectation of correctness which our correspondent alluded to is founded on a blunder. Mr. Hayes considers the phrase "*cestui que use*" to be short for "*cestui à que use*"—*he to whose use the property is conveyed*. (Intro. to Conv., vol. 1, p. 33, note). But though our old lawyers spoke broken French often enough, they never used *que* in the sense of *whose*. "*Les usez*" was a common term for the profits, and the full form of the phrase is that cited by our correspondent from the "Terms of the Law." Thus Rolle (Abr., "*Uses al common ley*") says, "*Si un enfant que use ad fait un volunt*," &c. For the plural Rabelais uses "*ceulx*;" but in our books little account was made of number or gender. Thus Brooke, (Ffelements al Uses, 29), putting the case of a feoffment to the use of a parish, says, "*les parochians sont cestui que use hic*;" and in the preceding page he

talks of one "*tenant pur son vie*." "*Trust*" in "*cestui que trust*" is plainly used as a substantive; and our ancestors never blundered to the extent of mistaking a verb for a noun, or a noun for a verb, though they were, even in English, careless of number and gender. Thus the use of the neuter pronoun "*its*" was scarcely established in Shakespeare's time, who talks of the grass as "*creesive in his faculty*;" and is so careless even of number as to sing of

"those springs  
"On chalice'd flowers that lica."]

### CONSOLIDATION OF THE STATUTE LAW.

#### REPORT OF THE COMMISSIONERS.

To the Queen's most excellent Majesty in her High Court of Chancery.

WE, your Majesty's commissioners appointed by your Majesty's commission and supplemental commission, dated respectively the 23rd August and the 15th December, in the eighteenth year of your Majesty's reign, whose hands and seals are hereto set, do hereby humbly report to your Majesty, that, in obedience to your Majesty's commission, we met for the first time on the 13th November, 1854, and have since met from time to time, and have both deliberated respecting the best mode of effecting the objects indicated to us by your Majesty's said commission, and have proceeded to a certain extent in effecting the same.

The objects so indicated to us were, "*the consolidating the statute laws of the realm, or such parts thereof as we might find capable of being usefully and conveniently consolidated; combining with that process, if we should think it advisable, the incorporation of any parts of the common or unwritten law, in such manner as should seem to us desirable; and also the devising and suggesting such rules, if any, as might in our judgment tend to insure simplicity or uniformity, or any other improvement, in the form and style of future statutes: and for the aforesaid purposes, or any of them, we were authorised and empowered by your Majesty from time to time to employ such learned and skilful persons as we might think proper.*"

A sum of money having been placed at our disposal by Parliament, the first question which it became necessary for us to consider was, what assistance we should obtain in the preparation of the consolidated bills which we might think it expedient to undertake; with reference to which question we had to consider whether it would be more advisable to propose the appointment of permanent sub-commissioners at a fixed salary, or to employ different persons from time to time, to be remunerated by fees as for ordinary professional drafts. On the whole it appeared to us most convenient to adopt the latter course, at least for the present, for the following reasons:—First, because we considered that accident and inclination often make different individuals specially apt to deal with particular subjects, and that this plan would probably enable us to obtain in each case the services of the men most familiar with the statutes to be consolidated. Secondly, we considered that it would probably enable us to obtain the services of persons of higher standing than those who would accept the post of sub-commissioners. Thirdly, we thought that it would relieve us from difficulty, and from the risk of doing injustice, with respect to the question of requiring the sub-commissioners to relinquish their profession; and even if it should be proposed ultimately to employ permanent sub-commissioners, we considered that this plan would enable us to become acquainted with the persons best fitted for

\* A trust is a *right* to receive the profits of the land, and to dispose of the land in equity. (Bac. Ab., "*Trust*;" Sanders's Uses and Trusts, c. 3, s. 2).

our purpose. Sufficient uniformity of method in the work of the different persons employed might, we thought, be attained by the general supervision which we should exercise.

We have accordingly obtained the assistance, on the footing above explained, of the several gentlemen whose names will be presently mentioned.

We propose first to state what works we have hitherto caused to be prepared, in accordance with the directions contained in your Majesty's commission. They are as follows:—

1. A Consolidation of the Statutes relating to the National Debt, by Mr. T. Chisholm Anstey. This bill was originally prepared by Mr. Anstey as a member of the Statute-law Board employed by the Lord Chancellor in 1853-54, but has been revised and completed by him for our use, and is now under consideration.
2. A Consolidation of the Statutes relating to Masters and Servants or Workmen, by Mr. J. Warrington Rogers, (now your Majesty's Solicitor-General for Van Diemen's Land). This bill also was originally prepared by Mr. Rogers as a member of the former board, but has been revised and completed by him for our use, and is now under consideration.
3. A Consolidation of the Statute Criminal Law, by Mr. J. J. Lonsdale, founded on the reports of your Majesty's late Commissioners of Criminal Law. Of this work the first bill, comprising the subject of treason and other offences against the State, has been submitted to us, and the residue is in course of preparation.
4. A Consolidation of the Stamp Laws, by Mr. Henry Jessel. The scheme for this bill has been settled and approved, and the bill is in course of preparation.
5. A Consolidation of the Statutes relating to Bills of Exchange and Promissory Notes, by Mr. J. W. Rogers. This has been delivered to us, and is now under consideration.
6. A Consolidation of the Statutes relating to Prisons, by Mr. Anstey. This has been delivered to us, and is now under consideration.
7. A Consolidation of the Statutes relating to Landlord and Tenant generally, by Mr. A. Bisset. The scheme for this has been delivered, and is now under consideration.
8. A Consolidation of the Statutes relating to Ecclesiastical and Collegiate Leases, by Mr. George Wingrove Cooke. The scheme for this has been delivered, and is now under consideration.
9. We have also superintended, at the request of the Copyhold Commissioners, a bill for consolidating and amending their various acts, prepared for them by Mr. G. Wingrove Cooke.

For the purpose of insuring to a certain extent uniformity of style in the bills prepared under our direction, we have caused some instructions for draftsmen to be drawn up, a copy of which is subjoined to this Report in the Appendix.

We also subjoin in the Appendix the minutes of our various meetings, and a few papers relating to some subjects which have been discussed by us, or which we have caused to be prepared for our use.

While causing the above-mentioned bills to be prepared, we were not unaware of the existence of several difficult questions relating to the process of consolidation which it may be thought that we ought to have solved before any such works were commenced. It may be admitted, that in consequence of those questions not having been first solved, the bills produced must be in some respects imperfect; but, taking a practical view of the matter, we felt that if the task were not to be commenced until a comprehensive plan had

been matured in all its details, there was a considerable risk that it would never be commenced at all; and we considered that by producing some bills, certainly useful in themselves, and an improvement upon the existing state of the law, without making their acceptance dependent upon the acceptance in all its details of any large scheme of change, we might gradually make the subject familiar and popular, and thus prepare the way for future measures on a more comprehensive scale. We thought that these considerations justified us in producing these bills, even at the risk of finding hereafter that they must themselves be remodelled; for it is not necessarily an objection to a proposed improvement to say that when completed it will only be made the foundation of a further improvement. If the intermediate step is of itself a useful one, and the more perfect work cannot be hoped for until after a long interval, we conceive that we are complying with the terms of our commission by producing these bills for present use.

Having thus stated our reasons for the course which we have pursued, we proceed to mention shortly the several difficulties which have presented themselves to us in the course of our attempts to perform the task committed to us by your Majesty—difficulties which, as we have already admitted, ought, on an abstract view of the subject, to have been solved before any part of the work was commenced.

The first great difficulty lies in the arrangement of the materials which it is our office to remodel. An entire body of law may be made the subject of a scientific analysis and arrangement; though even in that case there can be no absolute correctness; and objections, it is believed, have been made to most of the divisions of their subject adopted by jurists. But this question of arrangement, which is so difficult even with regard to an entire body of law, becomes still more difficult when we have only to deal with the statute law; that is, with a collection of alterations of and additions to the general body of the unwritten law, which are not only entirely without order at present, but may possibly in some cases never admit, if taken alone, of being reduced to any order—at least, not without the incorporation of some of the unwritten law; for a mere series of exceptions without the rules can hardly stand alone.

It is true that a general plan of the whole law may be first laid out, and the statute law then distributed into its proper places in that plan. But this, if strictly carried into effect, would lead, as we conceive, to a result very different from what is generally contemplated by the consolidation of the statute law; for we presume that the entire dislocation, section by section, of the whole contents of the statute-book, and their redistribution on an entirely new plan, is something more than was intended by the commission with which we have been honoured by your Majesty; and yet it is probable that a division of the statute law according to the analytical arrangements proposed by jurists would make such a process necessary: if, for instance, the first great divisions were into "rights" and "remedies," "wrongs" and "punishments," nearly every statute on the Parliament roll would have to be taken to pieces.

It is obvious, that, besides other objections to attempting this operation, it would be necessary to pass the whole of any re-arrangement of the contents of the statutes framed on this principle simultaneously—a consideration which must alone be sufficient to deter any one from undertaking such a task at present. Again: owing to the varying proportions in which the law on any given subjects consists of statutory and non-statutory law, it may very well happen that the most scientific classification of the whole law would not be that best suited to an arrangement which was only to include the statute law.

(To be continued).

The Right Hon. Sir George Grey, Bart., one of her Majesty's Principal Secretaries of State, has appointed Alexander Pulling, Esq., Barrister at Law; Arthur John Wood, Esq., Barrister at Law; George Baugh Allen, Esq.; and William Durrant Cooper, Esq., to set out the wards and apportion the number of vestrymen, under an act passed in the last session of Parliament for the better local management of the metropolis.

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- THOMAS LINFOOT**, York, builder, Sept. 20 and Oct. 18 at 11, Leeds: Off. Ass. Hope; Sols. Newton & Robinson, York; Bond & Barwick, Leeds.—Pet. d. Aug. 31.
- JOSEPH SIMPSON**, Leeds, dealer and chapman, Sept. 27 and Oct. 22 at 11, Leeds: Off. Ass. Hope; Sols. J. & H. Richardson & Gaunt, Leeds.—Pet. d. Sept. 1.
- WILLIAM MARRATT**, Doncaster, attorney-at-law, Sept. 22 and Oct. 20 at 12, Sheffield: Off. Ass. Brewin; Sols. J. & J. W. Collinson, Doncaster; Hoole & Yeomans, Sheffield.—Pet. d. Aug. 27.

## MEETINGS.

*Francis Lloyd Bayley* and *Samuel Millner Barton*, Manchester, smallware manufacturers, Sept. 21 at 12, Manchester, last ex.—*John Wood*, Manchester, Sept. 19 at 12, Manchester, aud. ac.—*Robert Nodds Newton* and *Thomas G. Payne*, New Park-street, Southwark, gas engineers, Sept. 28 at half-past 12, London, fin. div. sep. est. of *Robert Nodds Newton*.—T.

*Prichard*, Slidcup, Kent, apothecary, Sept. 28 at 12, London, div.—*Wm. Robt. Nield* and *Wm. H. H. Collander*, Cannon-street West, shawl warehousemen, Sept. 28 at 12, London, div.—*Wm. Jones*, Liverpool, shipwright, Sept. 28 at 11, Liverpool, div.—*Henry Frederick Newell*, Bradford, Yorkshire, linendraper, Sept. 28 at 11, Leeds, div.

## CREDITORS.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Edward Green*, Bath, tavern keeper, Oct. 8 at 11, Bristol.—*James Burnblum*, Manchester, commission agent, Sept. 28 at 12, Manchester.—*Geo. Nelson*, Leeds, upholsterer, Dec. 3 at 11, Leeds.—*John Henry Bradshaw*, Birmingham, innkeeper, Oct. 4 at half-past 10, Birmingham.—*T. Price Smith*, Birmingham, factor, Oct. 4 at half-past 10, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Thomas Shepherd*, King's Lynn, hop merchant.—*Robert Martin* and *David Wardlaw Scott*, Great St. Helen's, merchants.—*Wm. Sheldrake Francis Sparbes*, New Bond-street, waterproofer.—*Frederick Divers*, Great Bell-alley, Moorgate-street, victualler.—*Henry Lockey Edridge*, Monmouth-road, Bayswater, builder.—*George Tydd*, Codicote, corn dealer.—*Daniel Golding*, Isleham, Cambridgeshire, butcher.—*James Holmes*, Regent-street, Westminster, shawl warehouseman.—*Thomas Roberts*, Llanstephan, Carmarthenshire, and Newport, Monmouthshire, builder.—*John Brooks*, Weston-super-Mare, Somersetshire, wine merchant.—*Abraham H. James*, Newport, Monmouthshire, stonemason.—*D. Foster*, Goole, Yorkshire, ironmonger.

## TUESDAY, Sept. 11.

## BANKRUPTS.

- HENRY HOUGHTON**, Friday-street and Watling-street, merchant, Sept. 21 at 2, and Oct. 16 at half-past 1, London: Off. Ass. Edwards; Sols. Reed & Co., 59, Friday-street, Cheapside.—Pet. f. Sept. 8.
- GEORGE ALEXANDER McLEAN**, High Holborn, tailor, (now a prisoner for debt in Whitecross-street Prison), Sept. 28 at half-past 2, and Oct. 18 at 2, London: Off. Ass. Edwards; Sol. Gilham, 24, Bartlett's-buildings, Holborn.—Pet. f. Sept. 10.
- WILLIAM HIPKINS**, Birmingham, dealer and chapman, Sept. 21 and Oct. 19 at 11, Birmingham: Off. Ass. Christie; Sol. Bartlett, Birmingham.—Pet. d. Sept. 8.
- WILLIAM BROADHURST** and **WILLIAM MARSHALL BROADHURST**, Sheffield, table-knife manufacturers, Sept. 29 and Oct. 27 at 12, Sheffield: Off. Ass. Brewin; Sol. Webster, Sheffield.—Pet. d. Sept. 5, and f. Sept. 6.
- HENRY EVANS** and **SAMUEL EVANS**, Dudbridge, Stonehouse, Gloucestershire, saddle-tree makers, Sept. 24 and Oct. 22 at 11, Bristol: Off. Ass. Miller; Sols. Phipps, Caincross, near Stroud; Bevan & Girling, Bristol.—Pet. f. Sept. 6.
- WILLIAM SWIFT**, Liverpool, dealer and chapman, Sept. 21 and Oct. 12 at 11, Liverpool: Ass. Off. Bird; Sol. Ety, Liverpool.—Pet. f. Aug. 30.

## MEETINGS.

*Henry Bennett*, Christchurch, Hampshire, linendraper, Sept. 24 at 1, London, pr. d.—*John Steele*, Manchester, manufacturer, Sept. 28 at 12, Manchester, last ex.—*Samuel Howarth* and *Noah Howarth*, Radcliffe, Lancashire, dyers, Sept. 27 at 12, Manchester, last ex.—*John Jones*, Manchester, machine maker, Oct. 4 at 12, Manchester, last ex.—*Thos. Kittle*, Bolton, Lancashire, cotton spinner, Sept. 27 at 12, Manchester, last ex.—*Thomas Sloper*, White Horse-terrace, Stepney, auctioneer, Sept. 26 at half-past 1, London, aud. ac.—*Harriet Swindell*, Ashborne, Derbyshire, wine merchant, Oct. 2 at 10, Nottingham, aud. ac. and div.—*Oliver Appleton*, Leicester, dyer, Oct. 2 at 10, Nottingham, aud. ac. and div.—*John Parkinson* the elder and *John Parkinson* the younger, Leicester, hosiers, Oct. 2 at 10, Nottingham, aud. ac. and div.—*Samuel Thwaites* and *William Harrison*, Nottingham, upholsterers, Oct. 2 at 10, Nottingham, aud. ac. and div.—*Thos. Charlesworth*, Nottingham, plumber, Oct. 2 at 10, Nottingham, aud. ac. and div.—*Thomas Briggs*, North Shields, Northumberland, grocer, Oct. 2 at half-past 12, Newcastle-upon-Tyne, aud. ac.; Oct. 5 at 11, div.—*Joseph*

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THE JURIST.

TO CORRESPONDENTS.

We must refer our Shrewsbury correspondent, who denies that *Watts v. Porter* conflicts with *Whitworth v. Gaugain*, to what we have written on those cases in pp. 313, 322, and 331. We cannot hope to make our views clearer by any further exposition of them. We agree with all that our correspondent urges in favour of the judgment creditor, viz. that his notice gave him a priority over any prior conflicting claim not protected by notice. What we say, on the authority of *Whitworth v. Gaugain* and of common sense, is, that there was no such conflict in *Watts v. Porter*; but the judgment creditor's lien or charge was never intended to affect anything more than what was left in the debtor after satisfying the mortgagees.

LONDON, SEPTEMBER 15, 1855.

THE act for "diminishing expense and delay in the administration of justice in certain cases" (18 & 19 Vict. c. 126) came into force on the 14th of last month, and we propose briefly to consider the most important of its provisions. The main object of the statute is to give justices in petty sessions a summary jurisdiction to try, by consent of the prisoner, charges of larceny where the value of the property stolen does not exceed 5s., and of attempts to commit larceny.

First, as to the jurisdiction. Magistrates in petty sessions are empowered, by consent of the prisoner, to adjudicate summarily upon charges of *simple larceny*, if the value of the whole of the property alleged to have been stolen does not in their judgment exceed 5s., and upon charges of *attempts to commit larceny from the person, or simple larceny*. If they find the offence proved, they may commit the offender to the common gaol or

house of correction, to be imprisoned, with or without hard labour, for any period not exceeding *three calendar months*; and if they find the offence not proved, they are to dismiss the charge, and deliver to the person charged a certificate of such dismissal. There are three cases, however, in which this summary jurisdiction is not to be exercised by the justices.

First, if the person charged do not consent thereto; and for the purpose of ascertaining whether he consents, one of the justices, after the examination of all the witnesses for the prosecution, and before calling on the party charged for any statement, is to state to him the substance of the charge, and to say to him, "Do you consent that the charge against you shall be tried by us, or do you desire that it shall be sent for trial by a jury at the sessions," [or "assizes," as the case may be]; and if he consent, the charge is to be reduced into writing, and read to him; and he is then to be asked whether he is guilty or not of such charge; and if he says that he is not guilty, he is to be asked whether he has any defence to make to such charge; and if he state that he has, his defence is to be heard.

Secondly, if it appear to the justices that the offence is one which, owing to a previous conviction, is punishable by law with transportation or penal servitude; and,

Thirdly, if they are of opinion that the charge is, from any other circumstances, fit to be made the subject of prosecution by indictment.

In any of these three cases they are to deal with the charge in all respects as if the act had not been passed. It is further provided, that if upon the hearing of the charge they shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, they may dismiss the person

charged without proceeding to a conviction. (Sects. 1, 2).

It will be seen that a distinction is made between charges involving the actual commission of a larceny and those which relate only to attempts to commit it: in the former case the offence must be simple larceny, and the value of all the articles stolen must not in the judgment of the justices exceed 5s.; but they may decide in a summary manner a charge of an attempt to commit not only simple larceny, but larceny from the person, and this whatever may be the value of the article attempted to be stolen.

By the 3rd section an enlarged jurisdiction is conferred upon magistrates in cases where the accused pleads guilty to the charge. Thus, if a person is charged with *simple larceny, (the value of the property exceeding 5s.), or stealing from the person, or larceny as a clerk or servant*, and the evidence on the part of the prosecution appears to the justices sufficient to put the accused on his trial, and they think that the case may be properly disposed of in a summary manner, they are to reduce the charge into writing and read it to the accused, and explain to him that he is not obliged to plead or answer before them at all, and that if he do not do so he will be committed for trial in the usual course, and then to ask him whether he is guilty or not; and if he says that he is guilty, they are to cause the plea of guilty to be entered on the proceedings, and to convict him, and to commit him to prison, with or without hard labour, for any term not exceeding *six calendar months*.

In all cases of summary proceeding under this act the accused is to be allowed to make his full defence, and to examine and cross-examine witnesses by counsel or attorney. (Sect. 4). The justices may remand the case to the next petty sessions, and in the meantime, if they think fit, admit the accused to bail. (Sects. 5, 6). The justices by whom any person is convicted under the act may order the restitution of property stolen, taken, or obtained by false pretences, in those cases in which restitution might have been awarded after trial upon indictment. (Sect. 8). They may also, upon the request of the parties, order the expenses of the prosecutor and his witnesses to be paid. (Sect. 14). The petty sessions, for the purposes of the act, are to be an open public court, and to be the petty sessions holden for a petty sessional division; and a written or printed notice of the days and hours for holding such petty sessions is to be affixed by the clerk to the justices of petty sessions upon the outside of some conspicuous part of the building where the same are held. (Sect. 10). The conviction, or duplicate of certificate of dismissal, with the written charge, the depositions of the witnesses, and the statement of the accused, are to be transmitted to the next court of general or quarter sessions\*, to be kept among the records of the court; and a copy of the conviction or certificate, certified by the proper officer of the court, or proved to be a true copy, will be sufficient evidence of the conviction or dismissal. The conviction will have the same effect as a conviction upon indictment, but it is not to be attended with any forfeiture; it is not to be quashed for want of form; and no warrant of commitment thereon is to be held void for any defect, if it be alleged therein that the offender has been convicted, and if there be a valid conviction to sustain it. The stat. 11 & 12 Vict. c. 43, (Jervis's Act), relating to summary convictions and orders, is not to apply to any proceeding under the act; and the statute is not to extend to Scotland. (Sects. 7, 9, 13, 24). Forms of conviction and of the certificate of dismissal are given in the schedule. In stating the offence, where

the jurisdiction of the justices depends upon the value of the article stolen, in their judgment not exceeding 5s., it will be advisable to allege that fact, because, although the offence of larceny does not depend upon the amount of the property stolen, provided that it be of some value, yet it is a part of the specific offence over which jurisdiction is given by the act; and it is a rule, that all facts essential to jurisdiction must appear upon the face of summary proceedings, unless the statement of them is expressly dispensed with by statute.

It will be observed that no appeal is given by the act, and therefore none will lie; but as the writ of certiorari is not taken away, the proceedings may be removed, and quashed for want of jurisdiction in the justices who have made the conviction. This course, however, will not probably be often adopted, as, if the conviction is quashed for want of jurisdiction, the party would not, in the eyes of the law, have been in jeopardy, and therefore might still be indicted for the offence.

### THE OPERATION OF AN UNSEALED LEASE\*.

THE decision in *Stratton v. Pettit*, (1 Jur., N.S., part 1, p. 862), noticed ante, p. 305, has been somewhat misunderstood, and has not been approved of by all even of those who have not mistaken its real scope and effect. The words of the 3rd section of the stat. 8 & 9 Vict. c. 106, are, that "a lease required by law to be in writing, of any tenements or hereditaments, shall be void at law unless made by deed." The instrument in *Stratton v. Pettit* was an unsealed agreement in writing, signed by the plaintiff and defendant, and in the material part thus expressed:—"The said J. G. Stratton agrees to let, and the said G. Pettit agrees to take, all that house, No. 42, &c., now in the possession of the said G. Pettit, to hold unto the said G. Pettit, his executors, administrators, and assigns, from the 25th March last, for the term of five years; and the said J. G. Stratton also agrees to sell, and the said G. Pettit agrees to purchase, the fee-simple of and in the said premises, to be conveyed unto the said G. Pettit, his heirs, executors, administrators, and assigns, at the end of the said five years; yielding and rendering by the said G. Pettit unto the said J. G. Stratton, as well for the rent or use of the said premises for five years as for the said purchase thereof, 70*l.*, in and by seventy shares of 1*l.* each in the Birkbeck Life Assurance Company, the receipt and delivery unto the said J. G. Stratton of the said shares in full for the said rent and purchase the said J. G. Stratton hereby admits." There were further agreements respecting the title, &c., and an agreement by Pettit forthwith to do all acts necessary to transfer the shares. The action was brought for breach of the agreement to transfer the shares. The declaration alleged that the shares had been delivered to the plaintiff, but not legally transferred, and that the defendant had enjoyed the premises without interruption. The defendant, among other pleas, pleaded that the agreement purported to be a lease, and was not under seal, and was therefore void. This plea was held good. Jervis, C.J., in delivering judgment, said, "The question is, what was the intention of the parties when the instrument was made. Doubtless they intended to make an instrument which should have some operation; but did they intend to make a lease or an agreement? If the former, they have not done what they intended, because the lease is void by the statute. . . . It is admitted that before the statute the instrument would have been held to be a lease. It is void as a lease, and the defendant is therefore entitled to our judgment."

There were two points in the case: first, did the par-

\* These words, relating to the next sessions, in a former statute, were held to be directory merely, and not imperative upon the justices.

\* From a Correspondent.

ties intend the agreement to operate as a lease; and if so, secondly, did the failure of that intention excuse the defendant from his undertaking to transfer the shares? The Court decided both against the plaintiff. It did not decide the more important point which was suggested by the circumstances, but did not arise in the case, viz. was the instrument operative as an agreement to lease? Could the defendant have sued the plaintiff for breach of his contract to let?

The decision on the first point is somewhat startling. It is conceivable that the Court might have decided as they did in connexion with the second point, on the ground that the instrument manifested an intention to make the existence of a valid lease a condition precedent to the legal transfer of the shares, and also the understanding of the parties that the instrument operated as a performance of that condition. But the language and the attendant circumstances are scarcely capable of that construction; and it was not relied on by the Court. The decision was founded expressly on the ground that the agreement would have operated as a lease under the old law—a ground which seems insufficient to support it. The old decisions proceeded on this—that the Court found in each case an intention positively and unconditionally expressed, that a tenancy should be created on certain terms, and expressed by an instrument sufficient in point of solemnity to create such a tenancy. No intention was expressed or implied that it should not so operate, but in some of the cases an intention was expressed to have a formal lease executed. (*Baxter v. Brown*, 2 W. Bl. 973; *Poole v. Bentley*, 12 East, 168, where an agreement containing a stipulation for granting a lease as soon as certain houses were built was held to operate as a present demise). The parties intended that a certain relation should forthwith be created between them: they also intended that that should be done by a future instrument; but the expression of the principal intention in an informal way, by writing, being sufficient to effect it, the Court disregarded the secondary intention as superfluous. In doing this, they did not frustrate any intention, or cause any inconvenience, except in some cases inconvenience from the want of a stamp—an inconvenience which for fiscal reasons they could not take into consideration. But where the intention to create a tenancy is expressed, as in *Stratton v. Pettit*, in terms which are just as consistent with an intention to make a present agreement and a future lease as with an intention at once to make a lease, and is expressed by an instrument incapable of operating as a lease, there seems to be no reason for refusing to recognise the instrument as an agreement only. (See *Doe v. Powell*, 8 Scott's N. R. 700). However this may be, the criterion which the Court professed to apply is clearly unsafe. It will never do to decide that an unsealed instrument was not intended to operate as an agreement, merely on the ground that before the late act it would have been held to be a lease. Such a rule of decision would deny operation to any stipulation on the intended lessee's part contained in such an agreement as this, if unsealed:—"F. agrees to let all that &c. to W. for a term of seven, fourteen, or twenty-one years, from Christmas next, at the option of the said W., at the yearly rent of £—, payable quarterly; the said W. to keep the premises in repair, and to &c. and also to pay all the expenses of preparing a lease for either of the terms above mentioned." This was the instrument in *Warman v. Faithfull*, (5 B. & Ad. 1042). *Alderman v. Neate* (4 M. & W. 704) is a still stronger case.

The principal case did not decide, that though the intended lessee's covenant could not be enforced, the intended lessor was free from obligation to grant an effectual lease; and we think that the Courts are not prepared to decide that these words "I agree to let," in an unsealed instrument, do not make a binding con-

tract, merely because if they occurred in a deed they would make a demise. If the words "I agree to let" are held to include a binding agreement, can the words "I let" be held to be wholly inoperative? The old doctrine was, that the words "grant" and "lease" included not only a conveyance, but a warranty.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—I trust that your article of the 1st instant may have the effect of arousing the Profession to exert itself to procure the revision of the law relating to judgments, or rather to procure the abolition of the judgment lien; and as there are other impediments to the free transfer of land which are almost equally objectionable, it would not be amiss if the movement were to extend to them also.

The cry of the day is for cheap law in general, and cheap conveyancing in particular. How can the desired cheapness be had whilst purchasers are compelled to make some half dozen different searches for incumbrances which in ninety-nine cases out of a hundred do not exist? The solicitor may, at the same time, increase his labour and pare down his profits by carefully curtailing the length of his deeds, and by studying economy in other respects; but small must be his progress towards satisfying the popular demands so long as the law obliges him to waste his client's money in searching for judgments and cases of his pendens, searching for Crown debts, searching for annuities, searching for bankruptcies and insolvencies, and so on. Now, experience shews, as speculation would lead us to anticipate, that of the persons who are in a position to have land to deal with, not one in a hundred is either indebted on judgment, or a defendant in Chancery, or accountable to the Crown, or dishonest enough to conceal an annuity, or an insolvent or uncertificated bankrupt; yet, as every vendor may be the hundredth man, every purchaser who would be secure must go to the expense of the various searches above enumerated. The conclusion to be drawn is, that land in the hands of a purchaser ought to be entirely relieved from the claims of the judgment creditor, the Crown, the annuitant, and the assignee. It is possible that fraud and consequent hardship would occasionally be the result; but unsound is the policy which would buy off a contingent, rarely occurring, and individual hardship, at the cost of a certain, constantly recurring, and public inconvenience.

Besides, we must not omit to inquire whether the judgment creditor and the rest are in fairness entitled to the special protection which the law throws around them. Take them one by one. If the judgment creditor neglect to follow up his judgment, he surely can have no just grounds of complaint should the debtor avail himself of the opportunity thus afforded to part with his property. It will be said that the creditor may be ignorant of his debtor's property. This is true; but if the creditor were armed, as he ought to be, with the power of summoning the debtor from time to time for the purpose of examining him as to his property, the objection would be removed; and in any case, whether with or without such a power, as he originally trusted the debtor without security, he has no equitable title to a security which it is impossible for him to enjoy without detriment to the interests of third persons. The above reasoning applies, with little variation, to the case of assignees of bankrupts and insolvents. The creditors confide the estate to their management, and if, neglectful of their trust, they allow the bankrupt or insolvent to remain in possession of property, and to appear to the world as owner, it appears but fair that this ostensible ownership should, as a sort

of counterpoise to the reputed ownership provisions of which they get the benefit, confer the rights of real ownership. The Crown has by far the worst case of all; for, as it has been well remarked, there is in these days of guarantie societies no excuse for the Crown fettering the transactions of its subjects with its sweeping liens; and even without the protection which these societies are capable of affording, it would, to use Mr. Preston's words, (3 Treat. on Abstracts, 310), "be far better, in a country like Great Britain, that the King, or now, in more accurate language, the public, should lose the debts of those who have been trusted, than that the industry of honest and bona fide purchasers should be sacrificed by the misfortunes or the dishonesty of Crown debtors."

Then with respect to annuitants. Life annuities (except those granted by will or settlement, which do not require registration) are of such infrequent occurrence, that it would really be better to abolish altogether the power of charging them on real property than that purchasers should be placed in a position that they must incur either expense in making a search or risk in omitting it. But it is not necessary to go to this length. There are few cases in which a conveyancer could not suggest some expedient by which notice of the annuity might be given to persons dealing with the property charged; and any annuitant neglecting such a precaution, or taking an annuity where the precaution is impossible, ought to do it at his own risk. It is with regard to parties to a lis pendens alone that I feel any difficulty, since, whilst they are prosecuting the proceedings with diligence, they cannot be accused of remissness. It might be a question whether, in these days of Chancery despatch, it would be worth while to break in upon a general scheme by an exception in their favour, and whether the Courts could not in most if not in all cases devise means by which the interests of suitors might be protected during the pendency of proceedings. At all events, if registration is in this case indispensable, the evil might be greatly diminished if weekly lists were made out under authority, to be supplied to solicitors on payment of an annual subscription. Of course, if this plan were adopted, it would be necessary to publish yearly or half-yearly a revised list, containing all the cases registered during the last five years.

I will not add to the length of my letter by offering an apology, but subscribe myself,

Your obedient servant,

Sept. 10, 1855.

A SOLICITOR.

## CONSOLIDATION OF THE STATUTE LAW.

### REPORT OF THE COMMISSIONERS.

(Continued from p. 360).

We do not, however, mean to imply that much may not be done in the way of introducing order and a more systematic arrangement where there is now an entire absence of both; but, while doing so, it appears to us that we shall be best serving the convenience of those who have to deal with the law by disregarding to a certain extent the principles of scientific classification, in favour of another consideration—that of the convenience of keeping together in one new statute the contents of existing groups of statutes. Still, even with this limitation, great difficulties of detail present themselves in many cases, which can at best only be solved in an imperfect manner. It has been thought that considerable assistance towards the solution of difficulties of this kind would be furnished by having a complete analytical arrangement, according to subjects, of all the statute law now in force; and such a work is now in course of preparation for our use by Mr. T. Chisholm Anstey, under the immediate superintendence of the Attorney-General.

Another important preliminary question is, what is the exact meaning of the term "consolidation?" In a simple case the meaning of the term, and the mode of executing the process, are obvious enough; but many difficulties present themselves in the course of an attempt to carry the process into effect on any important scale.

The most serious of the questions which arise with reference to this is, whether any and what amount of simplification and amendment of the law can properly be introduced by us in the bills which we prepare for presentation to Parliament, and whether we are authorised to attempt the rewriting, with the correction of admitted imperfections, of those acts which do not require consolidation, strictly so called. It is contended, on the one hand, that the business of the commission is different from that of a responsible minister who prepares a consolidating bill. That is always professedly a bill to consolidate and amend the law, and it is presented to Parliament for the purpose, primarily, in most instances, of removing defects which have been discovered, as well as for the purpose of making the law more accessible. The duty of the commission, on the contrary, is, it is said, to present the law as it finds it, only in a more accessible form; and if Parliament is satisfied that it confines itself to this province, the bills which are prepared under its superintendence will (or should) be accepted and passed by Parliament without discussion on the propriety of the law itself; whereas if the bills contain alterations of the existing law, Parliament cannot, without abdicating its functions and its duties, treat them otherwise than as substantive new bills.

On the other hand it may be urged, that however easy it may appear to lay down as a rule that no amendments of the law are to be introduced in the consolidated acts, yet such a rule, if strictly enforced, would deprive the process of consolidation of a great part of its value. One of the great practical inconveniences of our statute law (arising from its having been framed by different hands at different times, without any single superintending authority) is, that it contains a vast number of variations to which it cannot be supposed that any serious importance is or ever was attached, and which might easily and advantageously be reduced to a single rule; and thus, it is said, the denial to a draftsman of liberty to use his judgment and discretion, within moderate limits, will compel him to work under the discouraging conviction that he is required to take great pains to produce a result which, if he possesses the intelligence without which he could not properly execute his task at all, he must feel to be very unsatisfactory, and comparatively useless, and which, moreover, he must feel that he could with ease make much better. Although, it is said, the question of the extent to which the framers of consolidated statutes may safely be authorised to alter the substance of the existing statutes presents some difficulty if we attempt to treat it abstractedly, and to lay down general rules for observance, the difficulty of solving it in actual practice, in the course of working out any given consolidated act, will not be great to a person of discretion and judgment; and with regard to the objection, that it will be found impracticable to pass consolidated bills unless they can be accompanied with an assurance that they contain no alteration of the law, it is contended that it might be objected with more propriety to pure consolidations, that it is a waste of the time and powers of the Legislature to put the whole machinery of legislation in motion for the purpose of deliberately giving a new parliamentary sanction to laws which are admitted to be in an imperfect or unsatisfactory state, without taking the opportunity of introducing unobjectionable amendments.

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## GAZETTES.—FRIDAY, Sept. 14.

## BANKRUPTS.

**FRANCIS STEPHEN FOLEY**, Goldsmith-street, warehouseman, Sept. 25 at 1, and Oct. 26 at 12, London: Off. Ass. Cannan; Sols. J. & C. Robinson, 7, Queen-street-place, Upper Thames-street.—Pet. f. Aug. 17.

**WILLIAM BENNETT**, Little Warley, Essex, dealer and chapman, Sept. 24 at 2, and Oct. 18 at half-past 11, London: Off. Ass. Lee; Sols. Duffield, Chelmsford; Trehern & White, 13, Barge-yard-chambers, Bucklersbury.—Pet. f. Aug. 22.

**JOSEPH GILL**, now of King-street, Camden-town, and late of Edgeware-road, dealer and chapman, Sept. 21 at 1, and Oct. 16 at half-past 11, London: Off. Ass. Lee; Sol. Chidley, 19, Gresham-street.—Pet. f. Sept. 8.

**GEORGE ALEXANDER McLEAN**, High Holborn, tailor, (now a prisoner for debt in Whitecross-street Prison), Sept. 21 (and not Sept. 28, as advertised in last Tuesday's Gazette) and Oct. 18 at 2, London: Off. Ass. Edwards; Sol. Gilham, 24, Bartlett's-buildings, Holborn.—Pet. f. Sept. 10.

**LOUIS LICHTENSTEIN**, Great St. Helen's, London, dealer and chapman, Sept. 26 at 2, and Oct. 23 at half-past 11, London: Off. Ass. Edwards; Sol. Chidley, 19, Gresham-street.—Pet. f. Sept. 13.

**WILLIAM KEELING**, Birmingham, merchant, (trading under the firm of W. Keeling & Co., and also in partnership with Thomas Burstall, as brickmakers, trading under the style of the Birmingham Steam-pressed Brick Company), Sept. 26 and Oct. 24 at half-past 10, Birmingham: Off. Ass. Bittleston; Sol. Jabot, Birmingham.—Pet. d. Sept. 10.

**WILLIAM HOPKINS**, Birmingham, dealer and chapman, Sept. 29 and Oct. 19 at 11, Birmingham: Off. Ass. Christie; Sol. Bartlett, Birmingham.—Pet. d. Sept. 8.

**ALFRED STANHOPE HODGES**, formerly of Bristol, but now of Glastonbury, Somersetshire, photographer, Sept. 24 and Oct. 22 at 11, Bristol: Off. Ass. Acraman; Sols. Bullied, Glastonbury; Abbot & Lucas, Bristol.—Pet. f. Sept. 11.

**WILLIAM JAMIESON ANSON**, Leeds, cloth merchant, Sept. 28 and Oct. 26 at 11, Leeds: Off. Ass. Young; Sols. Payne & Co., Leeds; Waller, 1, Verulam-buildings, Gray's-inn.—Pet. d. Sept. 11.

**JOSHUA FLETCHER LACE**, Birkenhead, and **LEONARD ADDISON**, Abbots Grange, Cheshire, printers, (trading under the style or firm of Lace & Addison), Sept. 25 and Oct. 23 at 11, Liverpool: Off. Ass. Morgan; Sols. Watkins & Son, Bolton; Dodge, Liverpool.—Pet. f. Sept. 1.

**EDWIN JOHNSON**, Liverpool, flour dealer, Sept. 24 and Oct. 22 at 11, Liverpool: Off. Ass. Cazenove; Sols. Evans & Son, Liverpool.—Pet. f. Aug. 25.

**GEORGE ATKINSON**, Liverpool, grocer, Sept. 24 and Oct. 22 at 11, Liverpool: Off. Ass. Cazenove; Sol. Barrell, Liverpool.—Pet. f. Sept. 7.

**WILLIAM CLARKE**, Altrincham, Cheshire, joiner, Sept. 25 and Oct. 16 at 12, Manchester: Off. Ass. Pott; Sols. J. & B. Whitworth, Manchester.—Pet. f. Sept. 11.

**WILLIAM E. COOPER** and **DAVID COOPER**, Manchester, and Mottram, Cheshire, dealers and chapmen, (trading under the style or firm of Cooper Brothers), Sept. 28 and Nov. 7 at 12; Manchester: Off. Ass. Fraser; Sols. Atkinsons & Co., Manchester.—Pet. f. Sept. 10.

## MEETINGS.

*Thomas C. Davenport*, Birkenhead, coal dealer, Sept. 25 at 11, Liverpool, and ac.—*Wm. Gibb* the elder, Liverpool, commission agent, Sept. 25 at 11, Liverpool, and ac.—*J. Waidson*, Montgomery, innkeeper, Sept. 25 at 11, Liverpool, and ac.—*Clifford Firth* and *John Archer*, Liverpool, brokers, Sept. 25 at 11, Liverpool, and ac.—*Naphtali Hart*, Liverpool, butcher, Sept. 25 at 11, Liverpool, and ac.—*J. Warburton*, Sheffield, edge tool manufacturer, Oct. 6 at 12, Sheffield, div.—*W. Waller* the younger, Chesterfield, ironfounder, Oct. 6 at 12, Sheffield, div.—*Joshua Eyre*, Sheffield, grocer, Oct. 6 at 12, Sheffield, div.—*Francis Augustus Hutton*, Chesterfield, auctioneer, Oct. 6 at 12, Sheffield, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas Billing*, Cambridge, cooper, Oct. 8 at 12, London.

—*Wm. Walters*, Chester, coal agent, Oct. 8 at 11, Liverpool.  
—*Robert Lynham Courtnay*, West Bromwich, auctioneer, Oct. 8 at half-past 10, Birmingham.—*John Weston*, Market Harborough, tailor, Oct. 8 at half-past 10, Birmingham.—*P. Wesson*, Loughborough, bleacher, Oct. 9 at 10, Nottingham.—*Charles G. Gray*, Grantham, hostler, Oct. 9 at 10, Nottingham.—*John Scott*, Nottingham, grocer, Oct. 9 at 10, Nottingham.—*Thos. Nash*, Stourbridge, Worcestershire, builder, Oct. 4 at 10, Birmingham.—*William Quinton*, Birmingham, builder, Oct. 4 at half-past 10, Birmingham.

*To be granted, unless an appeal be duly entered.*

*Henry Laumann*, Fulham, lodging-house keeper.—*William Jones*, Brecon, builder.—*Robert Jackson*, Lombard-street, shipowner.—*John Blakeway*, Birmingham and Yardley, Worcestershire, lamp manufacturer.—*Jacob S. Lister*, Moxley Ironworks, near Bilston, Staffordshire, ironmaster.—*J. Walley*, Derby, boiler maker.—*G. Newey*, Birmingham, grocer.—*David Rollason* and *Benjamin Rollason*, Bilston, Staffordshire, ironmasters.—*George Edwards*, Oldswinford, Worcestershire, licensed victualler.—*Harriet Swindell*, Ashbourne, Derbyshire, wine merchant.—*Samuel Thwaites* and *Wm. Harrison*, Nottingham, upholsterers.—*Thomas Parton*, Ragton, Shropshire, licensed victualler.

## PETITIONS ANNULLED.

*Charles Hodge*, Chelsea, ironfounder.—*Robert Austin*, Pembroke-square, Kensington, linendraper.

## PARTNERSHIPS DISSOLVED.

*Wm. S. Hayes* and *Wm. Hayes*, Hales Owen and Oldbury, Worcestershire, attorneys-at-law and solicitors.—*Francis G. Abell* and *Henry Jones*, Colchester, Essex, and Southampton-buildings, Chancery-lane, attorneys-at-law and solicitors.

## TUESDAY, Sept. 18.

## BANKRUPTS.

**THOMAS WALLER**, Petersfield, Hampshire, dealer and chapman, Oct. 5 at half-past 1, and Nov. 6 at 12, London: Off. Ass. Lee; Sol. Chidley, 19, Gresham-street.—Pet. f. Sept. 8.

**FRANCIS WILLIAM FAWCETT** and **WILLIAM PARROTT**, Lisle-street, Leicester-square, wholesale boot and shoe manufacturers, Oct. 2 at half-past 11, and Nov. 6 at 2, London: Off. Ass. Edwards; Sols. Shocsmith, Northampton; Holme & Co., 10, New-inn, Strand.—Pet. f. Sept. 12.

**WILLIAM HART**, Old-street, St. Luke's, and Charles-street, Westbourne-terrace, Paddington, dealer and chapman, Sept. 28 at half-past 2, and Oct. 23 at 12, London: Off. Ass. Lee; Sols. Young & Plewa, 29, Mark-lane.—Pet. f. Sept. 13.

**EDWARD SQUIRE**, Kingston-upon-Hull, dealer and chapman, (under the firm of Clay & Squire), Oct. 17 and Nov. 7 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Lightfoot & Co., Kingston-upon-Hull.—Pet. d. Sept. 10.

**WILLIAM HENRY SMITH**, Birkenhead, Cheshire, dealer and chapman, Oct. 2 and 22 at 11, Liverpool: Off. Ass. Cazenove; Sol. Roby, Liverpool.—Pet. f. Sept. 8.

**GAUIS AUGUSTINE STONE**, Bristol, dealer and chapman, Oct. 1 and 30 at 11, Bristol: Off. Ass. Miller; Sols. H. Brittan & Son, Bristol.—Pet. f. Sept. 12.

## MEETINGS.

*William Webb Dunn*, Bath, *William Keene*, Bath, *Henry Brooks Marriott*, Llanganoyd, Glamorganshire, and *Samuel Brewer Waring*, Bristol, brewers, Oct. 22 at 12, Bristol, ch. ass.—*Matthew James Poplewell*, Clement's-lane, and *Robert Goff*, New London-street, merchants, Oct. 3 at 2, London, last ex.—*Vols Salmon*, Brick-lane, Spitalfields, shoe manufacturer, Oct. 3 at half-past 12, London, last ex.—*Harwood Jackson Bridges*, Wandsworth-road, Surrey, and Stowmarket, Suffolk, brewer, Oct. 1 at 12, London, last ex.—*George Bickley*, Lower Kennington-green, Surrey, money scrivener, Oct. 1 at 1, London, last ex.—*James Emmins*, Portland-road, Notting-hill, builder, Oct. 3 at 12, London, and ac.—*William Bouch*, Queen-street, Fimlico, licensed victualler, Oct. 3 at 1, London, and ac.—*George Major*, Swindon, Wiltshire, builder, Oct. 9 at 11, Bristol, and ac.—*John Williams*, St. Asaph, Flintshire, and Llandudno, Carnarvonshire, joiner, Sept. 28 at 11, Liverpool, and ac.—*John Grealy*, Liverpool,

[For continuation of Gazette, see p. 377].

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## THE JURIST.

LONDON, SEPTEMBER 22, 1855.

AMONG the statutes published in our last number (p. 32) was one "to amend the law relating to bills of lading," (18 & 19 Vict. c. 111). It has been decided on several occasions, that although the property in goods which have been shipped passes by the indorsement of a bill of lading, yet the contract contained in the bill of lading does not thereby pass; that the indorsee or assignee, therefore, has none of the remedies which arise under the contract, and cannot sue for the non-delivery or mis-delivery of the goods, although in respect of his property in them he may maintain an action for their detention or conversion. (*Thompson v. Doming*, 14 M. & W. 403; *Howard v. Shepherd*, 9 C. B. 297; *Grant v. Norway*, 10 C. B. 685; see also *Tindall v. Taylor*, 1 Jur., N. S., part 1, p. 112; 24 L. J., Q. B., 16).

It has also been decided that the master of a ship signing a bill of lading for goods which have never been shipped cannot be considered as the agent of the owner in that behalf, so as to make the latter responsible to one who has made advances upon the faith of the bills so signed; (*Grant v. Norway*, supra; *Hubbersty v. Ward*, 8 Exch. 330); although the master himself is estopped, under such circumstances, from denying that he had the goods. (*Thompson v. Doming*, supra).

The new act has express reference to these two classes of decisions. It first recites, that "by the custom of merchants a bill of lading of goods being transferable by indorsement, the property in the goods may thereby pass to the indorsee, but nevertheless all rights in respect of the contract contained in the bill of lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property;" and then enacts, that every consignee of goods named in a bill of lading, and every indorsee thereof, to whom the property passes by the consignment or indorsement, shall also have transferred to him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the

bill of lading had been made with himself. This provision, however, is not to affect the right of stoppage in transitu, or of claiming freight against the original shipper or owner, or any liability of the consignee or indorsee, by reason of such consignment or indorsement. (Sects. 1, 2).

With regard to the other branch of the subject, the statute appears rather to confirm, with some modification, the doctrine already established, than to introduce any material alteration in the law. After reciting that "it frequently happens that the goods, in respect of which bills of lading purport to be signed, have not been laden on board, and it is proper that such bills of lading, in the hands of a bona fide holder for value, should not be questioned by the master or other person signing the same, on the ground of the goods not having been laden," it is enacted by the 3rd section that every bill of lading in the hands of a consignee or indorsee for valuable consideration, representing goods to have been shipped on board a vessel, shall be conclusive evidence of such shipment as against the master or other person signing the same, unless the holder of the bill of lading had actual notice, at the time of receiving it, that they had not been shipped. The person signing the bill of lading, however, may exonerate himself by shewing that the misrepresentation was caused without any default on his part, and wholly by the fraud of the shipper or holder, or some person under whom the holder claims.

In our notice of the Criminal Justice Act, 18 & 19 Vict. c. 126, in our last number, we inadvertently omitted an important section which is found in the statute, although it has little to do with its general object, and nothing with its title. We allude to the 22nd section, which, after reciting the expediency of amending the law as to witnesses in cases of wilful or malicious injuries to property, enacts, that in all cases where any justice or justices of the peace have or shall hereafter have power to order a sum of money to be forfeited and paid to the party aggrieved, as amends or compensation for any injury to property, real or personal, the right of such party to receive the money so ordered to be paid shall not be affected by his having been examined as a witness in proof of the offence.

## CONSOLIDATION OF THE STATUTE LAW.

## REPORT OF THE COMMISSIONERS.

*(Continued from p. 368).*

The responsibility for alterations of the law introduced under such circumstances would of course rest with the minister by whom the bill is brought into Parliament. A case of this kind has already occurred with reference to the bill for consolidating and amending the Copyhold Commissioners' acts, which (as we have already mentioned) has been prepared by Mr. Wingrove Cooke for the Copyhold Commissioners, and by them referred to us for approval. We have approved of it, so far as it is a consolidation of the existing law, without expressing any opinion as to the propriety of the amendments introduced.

Another difficult question connected with the process of consolidation is, how far the exact words of the existing statutes are to be preserved? No one can doubt that mere useless repetitions are to be retrenched; but to effect the complete union, in concise and uniform language, of the enactments of different periods, much more than that is necessary; the whole matter must be completely recast. It has been objected to such a proceeding that it will disturb all the existing judicial decisions on the former statutes, and that therefore the exact words of the old acts should be reproduced—at least, in those cases where they have been the subject of any judicial interpretation. On the other hand, however, it must be remembered, that as soon as there has been a judicial decision on a statute, the law on the subject consists of the statute as expounded by the decision; and to reproduce the statute alone and unaltered may lead to what is not a true representation of the existing law. In this point of view it would seem that many of those enactments which have been made the subject of decisions may require to be altered in their language so as to incorporate the effect of such decisions. The difficulty felt seems to be, that if this is done all the cases in which the law has been previously settled by litigation will have to be settled again by the same process. This, however, by no means follows; for if the new enactment be properly drawn, the cases will be provided for by it without litigation. No doubt a certain amount of inconvenience and trouble must follow on every change in the statute law; but they must be submitted to if the benefits will more than counterbalance them. Besides, as the act will be a new one, passed under new circumstances, it would not follow, even if the exact words of the old acts were retained, that they would in all cases bear the meanings attached to them by past decisions; at any rate, it would not be so certain that the obligation of examining and testing the new statute could be dispensed with.

The foregoing considerations seem to lead to the conclusion that it is not expedient at present to deal at all with those old statutes, such as the Statute of Uses or the Statute of Frauds, which, taken in connexion with the great amount of judicial exposition of which they have become the nucleus, can hardly now be termed statute law at all. Statutes of this class might indeed be put in their proper places, unaltered, in an analytical arrangement of the whole contents of the statute-book, with some explanation to the effect that they are put there only in a declaratory way, and that their effect is to remain the same as if they had been left untouched. It appears to us, however, that such a course would not be attended with any practical utility; and so far from contributing to the completeness of any arrangement of the contents of the statute-book, it would render necessary explanations or exceptions of a nature at once awkward and elaborate, and

would also prevent the possibility of introducing any uniformity of style in the modern consolidated statutes.

The chief object, as we conceive, of our labours is, in the numerous cases where there are many acts applicable to one subject, often inconsistent, often ambiguous, or an incomplete expression of the intention of the Legislature, and generally verbose, to reduce as far as possible each subject to one simple statute, so that a clear statement of the statute law may be found in one act, which, amongst other advantages, would be a great assistance to future legislation.

With respect to the improvement of current legislation, little beyond the preparation of the few general rules for draftsmen already mentioned has been hitherto attempted; but it has been explained by the Lord Chancellor that it was part of his plan, in recommending the issuing of the commission, that Mr. Belenden Ker, in addition to his duties as a member of the board, should assist the Great Seal in the House of Lords in drawing such law bills as should be required by the Lord Chancellor, and by generally examining and reporting to him as to all the law bills introduced in either House of Parliament. This duty has been performed by Mr. Ker during the present session, and he has prepared or assisted in the preparation of several bills under the Lord Chancellor's direction, and has also reported to the Lord Chancellor on a great number of the bills which have been brought into Parliament.

Perhaps nothing satisfactory towards the improvement of future legislation can be effected until either a board or some other persons are appointed whose duty it shall be either to prepare or revise and report upon all bills before they are brought into Parliament, and to watch them during their progress through the two Houses, either as officers of the Lord Chancellor or some other minister, or as officers of the two Houses of Parliament.

CRANWORTH, C., (L.S.)	J. MONCRIEFF, (L.S.)
LYNDHURST, (L.S.)	S. H. WALPOLE, (L.S.)
BROUGHAM, (L.S.)	WILLIAM PAGE WOOD, (L.S.)
WROTTESELEY, (L.S.)	WILLIAM KEOGH, (L.S.)
CAMPBELL, (L.S.)	JAMES CRAUFURD, (L.S.)
JOHN JERVIS, (L.S.)	WALTER COULSON, (L.S.)
FRED. POLLOCK, (L.S.)	H. BELLENDEN KER, (L.S.)
J. PARKE, (L.S.)	

July 10, 1855.

The following are extracts from the Appendix to the Commissioners' Report:—

*March 14, 1855.*—The Attorney-General brought forward some objections to the mode of proceeding adopted by the board. He contended that the plan of taking at random isolated groups of statutes and consolidating them into single acts was not likely to produce valuable results, or to satisfy the expectations which the public had formed from the appointment of the commission.

Before the process of consolidation is commenced the whole body of the law ought to be reviewed and arranged analytically; the parts of it which consist of statutes should next be placed under their proper heads; and the process of consolidation should then be applied to those parts of the statute law which fall together under this arrangement. The whole operation would thus be performed with regularity and system, and should be laid before Parliament, not in detached portions, but as a complete work. He thought that if it was shewn that it was a mere consolidation, and that it was carefully executed on fixed principles, the bulk of the work would not be an obstacle to passing the whole through Parliament at once.

The Solicitor-General was also in favour of com-

mencing with an analytical arrangement of the law; but he further contended that the process to be applied to the statute law ought not to be a rewriting of the old statutes in a condensed form, but a digest of the existing statutory provisions, without alteration of language, but with explanatory additions where they have been judicially interpreted. A digest of this kind would admit of the incorporation of the common law wherever advisable, which could not be effected by merely producing aggregations of old statutes in new language. He contended that this was the process directed by the royal commission, taken in connexion with the report of the commissioners of 1835, whose suggestions were made binding on the present board by the reference to them contained in the recitals prefixed to the commission.

Sir W. P. Wood also thought that it would be useful to have a general analytical arrangement of the subject to be dealt with, as otherwise difficulties would arise in deciding the exact parts of the existing statute law that ought to be taken into any isolated consolidation.

The Lord Chancellor explained, that by the mention of the common law in the commission he conceived nothing more was intended than that draftsmen should not be debarred by any rigid rule from introducing such portions of common law as should make a consolidated act a complete and intelligible enactment, instead of a collection of fragments; and with regard to the proposal of the Attorney-General, he observed, that after the proposed analysis of the statute law was made, it would still be necessary to begin the actual work of consolidation with some isolated group; and he thought there would be great practical difficulty in passing an entire consolidation of the statute law through Parliament at once. He admitted that some imperfections might result from attempting to consolidate in partial groups, which might be avoided by a preliminary classification of the whole subject; but difficulties of detail would occur under any system, and the most scientific arrangement was not always found the most practically convenient. On the whole, his Lordship thought it advisable to commence by attempting what we knew to be practicable. Well-drawn consolidated acts were admitted to be useful, and were generally regarded with favour; and if the board could produce some good bills of the same nature as "Peel's Acts," and other existing specimens of consolidation, he thought it would gain the confidence of the public, and perhaps be empowered hereafter to attempt something on a larger and more scientific scale.

After considerable discussion, in which Lord Lyndhurst, Lord Brougham, and others took part, it was finally arranged that an analytical arrangement of the contents of the statute-book, as a guide to the board in the choice of subjects for consolidation, should be prepared; but that meanwhile the consolidation of separate groups of statutes should be continued according to the plan already adopted by the board.

The Attorney-General, the Solicitor-General, Mr. Coulson, and Mr. Ker were named the sub-committee to superintend the preparation of an analysis of the statute laws; and it was agreed that Mr. Anstey should be employed in the work under their direction.

The Lord Advocate made some observations on the operation of the commission with reference to the statute law of Scotland. He observed that there was no great necessity for consolidation of the Scotch statutes; but what was principally required was a revision of the English statutes from which Scotland was excepted, with a view to the assimilation of the law of the two countries wherever practicable. This was a process which must be performed sooner or later, and the only question therefore was, whether it should precede the consolidation of the English law, so that

the new consolidated acts might be made applicable to all Great Britain, or be postponed till afterwards.

May 23, 1855.—The Attorney-General urged the importance of laying down a complete and logical plan of the whole field to be operated upon before the work of consolidation was commenced. He contended that it was necessary for the satisfactory consolidation of any branch of the statute law that it should be executed with immediate reference to a methodical distribution of the whole contents of the statute-book, and that if any isolated consolidations of particular subjects were commenced without any general plan, they must all be imperfect and unsatisfactory. He therefore proposed that the analytical arrangement of the statutes should be first completed, and then a large body of draftsmen should be employed to recompose at once the body of law thus distributed into a complete and methodical digest. He thought that Parliament would be more ready to pass a work of this kind in its entirety than to take up bills which should only profess to consolidate particular subjects.

The Solicitor-General remarked on the importance of making every division of the digest proposed by the Attorney-General complete in itself, so as to present a statement of the entire law on the subject comprised in it.

The Lord Chancellor observed that that would be to codify the whole law—a work which was not within the scope of the present commission. With respect to the remarks of the Attorney-General, his Lordship observed that no arrangement of the contents of the statute-book, however logical, would present any complete body of law, as the statute law itself was only a collection of alterations of, or additions to, the unwritten law; and he therefore suggested that the Attorney-General's proposal, however just it might be if a codification of the whole law of the land were the object in view, was misapplied with reference to the statute law alone. But his Lordship agreed that it would be advantageous to have some preliminary arrangement of the whole contents of the statute-book, in order to settle what groups should be taken together for the purpose of consolidation, according to some uniform principle of classification, so far as any principle could be applied; though, owing to the fragmentary nature of the subject, there must be many cases in which the distribution could be little better than arbitrary.

With regard to the disposition of Parliament, his Lordship thought that it would be easier to begin by passing a few consolidated acts on subjects which are generally admitted to require consolidation, and on which there are no differences of opinion which would raise discussion, than to attempt to pass an entire digest at once, as proposed by the Attorney-General. The confidence of Parliament would thus be obtained, and measures of a more extensive character, if hereafter determined on, would be better received and more easily passed.

#### *Proposals for a new Classification of the Statutes.*

The present arrangement of acts in three series, styled "public general," "local and personal, (public)," and "private," appears both inconvenient and inaccurate.

It is submitted that all the acts of the session ought to be numbered in a single series, in the order in which they receive the royal assent. The following are the considerations which seem to justify this proposal.

1. The classification now existing is, as regards the subject-matter of the acts, almost entirely arbitrary. Many acts are included in the "public general" series which are extremely limited and local in their application; while many acts of far more public interest are

included in the "local and personal" series. In fact, the division is not founded on the nature or subject of the acts at all, but on the parties by whom the bill is applied for, and the forms and rules of the House respecting their introduction. Taking the acts of 1853, we find an act to enable the Commissioners of Inland Revenue to sell the site of the Excise Office in Broad-street called "general," while an act respecting the Great Bedford Level is "local;" an act about the rights of common over Battersea-park "general," and an act relating to the improvement of the city of Westminster "local;" an act to empower the sheriff of Berwickshire to hold county courts at Dunse "general;" and an act regulating the civil court of record of Liverpool "local;" an act about Westminster-bridge "general," and acts about bridges at Worcester and Rochester "local," and so on. The rules which govern the classification of bills, with respect to fees, proof of preamble before select committees, &c., are well known; but it is submitted that although there can be no objection to retain this classification as to bills so long as they continue bills, if it is found just and convenient, it need not be, and should not be, carried on into the arrangement of the complete statutes.

2. The present classification creates and fosters an entirely unfounded notion that there is some difference as to authority and obligation between the different classes of acts. Now, the present classification is founded on no statutory authority; and though it must be admitted that it has been incidentally recognised in several recent statutes, it is, strictly speaking, unknown to the law. There is, or was, a known distinction, both as to construction and as to "judicial recognition," between public and private acts; but this distinction, if not entirely abrogated, has no reference to the classification now in question, but only to the consideration whether the acts are really public or private in respect of their subject-matter. There is an intelligible distinction between laws which may be supposed to have been originated by the Legislature itself, and with reference to public considerations alone, and laws granted on the petition of private parties for their individual advantage, (privilegia). In the latter case it is reasonable to construe the terms of enactment used by the Legislature, however absolutely expressed, not as the expression of its supreme will, but as the grant of the petition of the applicant, and contingent, therefore, on the truth and propriety of the applicant's representations, and thus admitting modifications not applicable to public acts. But, as has been shewn, the modern threefold division of acts cannot be reconciled with this distinction between public and private, many of the "public general" being decidedly private in their nature, while some of the "local and personal" are public.

3. Another inconvenient result to the public of the present classification is, that in editions of the statutes they get many "public general" statutes at full length which they do not want, while many of the "local and personal," which they are more likely to want, are omitted. It is true that this is a question of intelligent editorship; still editors think themselves to a great extent bound by the classification adopted by the Legislature. It is believed that far more useful editions of the statutes would be published if the editors had to exercise their unfettered discretion as to printing at length or not in one single series.

There would be no difference in principle, and perhaps not much in bulk, between editions under the present and under the proposed system: the principle now is, and still would be, to print public statutes at length, and of local and personal ones only the titles; but there would be this difference, that under the proposed arrangement the really public acts would be printed, and the really local and personal ones omitted, which is not now the case.

The same observations apply to the rules as to the number of copies of acts to be printed and circulated by the Queen's printers. With respect to these, it may be asked, what rule is to be adopted if the present one is superseded? But the difficulty will be only that which must exist in every case where a selection is to be made; and it cannot be doubted that a selection made by any person of ordinary intelligence would be more really useful than an arrangement which, with reference to the present question, is little better than arbitrary. To have such a selection made by a competent officer would only be to effect the object for which the present rules were recommended by the committees of 1796 and 1801—namely, to insure that the publicity given to acts should bear a due proportion to their importance.

4. The rules as to "judicial recognition," &c., under which the present division was instituted, no longer exist. The clauses which used to be added to local and personal acts, declaring that they should be considered to be public acts, or that copies of them printed by the Queen's printers should be evidence, have become superfluous since the 8 & 9 Vict. c. 113, s. 3, which enacts, that "all copies of private and local and personal acts of Parliament, not public acts, if purporting to be printed by the Queen's printers, shall be admitted as evidence thereof by all Courts, &c., without any proof being given that such copies were so printed;" and the 13 & 14 Vict. c. 21, s. 7, which enacts, that henceforth every act "shall be deemed and taken to be a public act, and shall be judicially taken notice of as such, unless the contrary be expressly provided and declared by such act\*."

The Queen's printers' edition of the statutes (which has been very negligently superintended of late) continues to describe the "local and personal (public)" series as "acts declared public, and to be judicially noticed," and the "private" series as acts "of which copies may be given in evidence;" but this is entirely inaccurate, and inapplicable to the present state of things. The "local and personal (public)" acts do not now require, and seldom, if ever, contain any declaration that they are public, and shall be judicially noticed; and they even occasionally contain a declaration that they shall not be public—for instance, the 14 & 15 Vict. c. cxxviii, relating to the estates of Trinity College, Dublin; and though the "private" acts do generally contain a declaration that a Queen's printers' copy shall be evidence, that declaration is now quite superfluous, and should not be made the foundation of any classification.

(To be continued).

The Queen has been pleased to appoint Paul Ivy Sterling, Esq., to be a Puisne Judge of the Supreme Court of Ceylon.

\* These clauses seem to set the question as to judicial recognition on a reasonable and proper ground, for no one can seriously doubt that the judges have the means of ascertaining satisfactorily what acts have been passed. But there is still some uncertainty as to the effect of the latter enactment on the rules as to difference of construction between public and private acts; for though the terms of the enactment seem ample enough, yet Sir J. Wigram, V. C., in *Dawson v. Peaver*, (5 Hare), said that the distinctions in construction between public and private acts depended "on the nature and substance of the case," and were not affected by any technical considerations, "such as having the clause that the act shall be deemed a public act." (See also *Guthrie v. Fish*, 3 B. & Cr., and *The Trustees of the Birkenhead Docks v. The Birkenhead Dock Company*, before the Lords Justices, November, 1853). A doubt also occurs whether the rules as to pleading private acts (if any) are affected.

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The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed John Ford Hyatt, gent., of Newcastle-under-Lyne, Staffordshire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Stafford.

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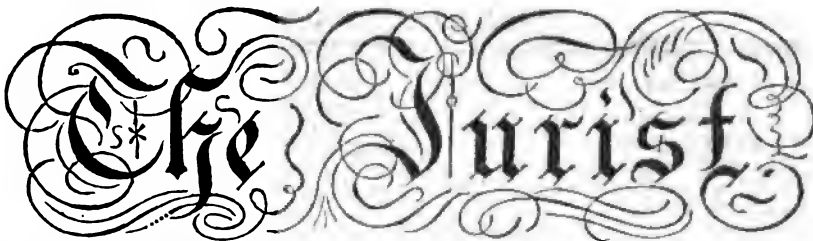
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TORR, JOHN SMALE, Esq., Bedford-row.  
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Ordinary Commission paid.	Extra Commission paid.
£75 16 0	£54 12 11
188 9 3	155 7 3
63 6 6	45 13 0
41 12 2	29 19 0
139 8 1	100 10 0
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**LIMITED LIABILITY ACT, 1855.—INFORMATION** as to the operation and mode of procedure to incorporate new or to bring existing Companies under this Act may be obtained, WITHOUT CHARGE, of Messrs. C. & A. DOUBBLE, Joint-stock Companies' Agents, Publishers of authorised Forms, Law and Public Companies' Stationers, &c., at the Original Agency Office, No. 14, Serjeant's Inn, Fleet-street, London, (next door to the Office for the Registration of Joint-stock Companies).

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Chief Office, 16, Tokenhouse-yard, Lothbury,  
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## GAZETTES.—FRIDAY, Sept. 21.

## BANKRUPTS.

**WILLIAM JESSE WALLER**, Herbert-street, New North-road, dealer and chapman, Oct. 2 at 12, and Nov. 8 at 1, London: Off. Ass. Edwards; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Pet. f. Sept. 20.

**EDWARD GIBBS**, Keppel-mews North, Russell-square, dealer and chapman, Oct. 2 at half-past 12, and Nov. 8 at 12, London: Off. Ass. Edwards; Sol. Gresham, Castle-street, Holborn.—Pet. f. Sept. 11.

**JOHN WILLIAM BELL**, Crowland, Lincolnshire, dealer and chapman, Oct. 2 and 30 at 10, Nottingham: Off. Ass. Harris; Sols. Hodgson, Birmingham; Mason & Sturt, 7, Gresham-street.—Pet. d. Sept. 12.

**WILLIAM JOHNSON**, Mountsorrel, Leicestershire, inn-keeper, Oct. 2 and 30 at 10, Nottingham: Off. Ass. Harris; Sol. Inglesunt, Loughborough.—Pet. d. Sept. 14.

**JOHN BURTON RHODES**, Wakefield, Yorkshire, dealer and chapman, Oct. 5 and 26 at 11, Leeds: Off. Ass. Young; Sols. Scholey & Co., Wakefield; Bond & Barwick, Leeds.—Pet. d. Sept. 18.

**SAMUEL WILKINSON**, Bradford, Yorkshire, dealer and chapman, Oct. 5 and 26 at 11, Leeds: Off. Ass. Young; Sols. Lees, Bradford; Bond & Barwick, Leeds.—Pet. d. Sept. 18.

**THOMAS POTTER**, Sheffield, Yorkshire, hosier, Oct. 6 and 27 at 12, Sheffield: Off. Ass. Brewin; Sol. Unwin, Sheffield.—Pet. d. Sept. 17.

**THOMAS MACBETH**, Preston, Lancashire, tailor, Oct. 2 and Nov. 6 at 12, Manchester: Off. Ass. Pott; Sol. Royle, Manchester.—Pet. f. Sept. 18.

## MEETINGS.

*David Leopold Lewis*, Salters'-hall-court, Cannon-street, merchant, Oct. 5 at 1, London, last ex.—*Wm. Tyree*, Blackfriars-road, shoe manufacturer, Oct. 3 at 2, London, aud. ac.—*James Burford* the elder and *James Burford* the younger, St. Neot's, Huntingdonshire, builders, Oct. 5 at half-past 1, London, aud. ac.—*Thomas Loaring Coombe*, Lambeth-walk, baker, Oct. 5 at 11, London, aud. ac.; Oct. 13 at half-past 11, div.—*J. Hawker*, Weston-super-Mare, Somersetshire, builder, Oct. 4 at 11, Bristol, aud. ac.; Oct. 18 at 11, div.—*Joseph Harrop* and *James Harrop*, Westbury, Wiltshire, woollen manufacturers, Oct. 18 at 11, Bristol, aud. ac.; Oct. 22 at 11, div.—*John Dixon Parry*, Sutton, near St. Helen's, Lancashire, brewer, Oct. 4 at 11, Liverpool, aud. ac.—*Frederick Dawson Hiorns*, Coventry, ironmonger, Oct. 5 at 11, Birmingham, aud. ac.—*James Swann*, Coventry, general dealer, Oct. 5 at 11, Birmingham, aud. ac.—*Thomas Price Smith*, Birmingham, factor, Oct. 5 at 11, Birmingham, aud. ac.—*John Brookes*, Birmingham, brace manufacturer, Oct. 5 at 11, Birmingham, aud. ac.—*Wm. Starkey*, Huddersfield, wool-stapler, Oct. 4 at 11, Leeds, aud. ac.—*Thomas Shepherd*, King's Lynn, Norfolk, hop merchant, Oct. 15 at 12, London, div.—*A. Gibson*, Great St. Helen's, shipbroker, Oct. 15 at 1, London, div.—*J. Martyn*, Union-st., Southwark, ironmonger, Oct. 15 at 12, London, div.—*Wm. Walters*, Chester, commission agent, Oct. 15 at 11, Liverpool, div.—*John Fenton*, Liverpool, apothecary, Oct. 15 at 11, Liverpool, div.—*John Denbigh*, Bradford, woolstapler, Oct. 12 at 11, Leeds, div.—*John Wells*, Sheffield, licensed victualler, Oct. 13 at 12, Sheffield, div.—*Joseph Bunnell Thompson*, Rotherham, Yorkshire, linendraper, Oct. 13 at 12, Sheffield, div.—*George Haslam*, Higham, near Alfreton, Derbyshire, currier, Oct. 13 at 12, Sheffield, div.—*John Bradbury*, Sheffield, joiner, Oct. 13 at 12, Sheffield, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Edward B. Clarkson*, Bread-street, manufacturer's agent, Oct. 13 at 11, London.—*George C. Postans*, Newmarket, grocer, Oct. 15 at 1, London.—*Joseph Hayward*, Church-court, Old Jewry, woollen warehouseman, Oct. 15 at half-past 1, London.—*John Hawker*, Weston-super-Mare, Somersetshire, builder, Oct. 15 at 11, Bristol.—*Jonathan Cruse*, Stapleton, Gloucestershire, victualler, Oct. 15 at 11, Bristol.—*James H. Langdon*, Exeter, merchant, Oct. 18 at 1, Exeter.—*Henry E. Skinner*, Tiverton, Devonshire, saddler, Oct. 25 at 1, Exeter.

*To be granted, unless an Appeal be duly entered.*

*Elizabeth Whitaker*, Romford, Essex, plumber.—*Samuel Hodgson*, Great Marylebone-street, stationer.—*James Smith*, Philpot-lane, tea dealer.—*Joseph Harrop* and *James Harrop*, Westbury, Wiltshire, woollen manufacturers.—*Edwin Adolphus Lock*, Curry Rivell, Somersetshire, linendraper.—*Joe Rickard*, Boscastle, Cornwall, draper.—*James Tapper Beery*, Devonport, cabinet maker.—*Hugh Talbot* and *Hugh Popham Talbot*, Sidmouth, Devonshire, druggists.—*Thomas Bestock*, Manchester, maker-up.

## TUESDAY, Sept. 25.

## BANKRUPTS.

**GEORGE PARKER**, Southampton, dealer and chapman, Oct. 5 at 2, and Nov. 6 at 1, London: Off. Ass. Johnson; Sol. Paterson, 7, Bouverie-street.—Pet. f. Sept. 22.

**WILLIAM ASHTON**, Loughborough-road, Brixton, dealer and chapman, Oct. 4 at 1, and Nov. 1 at 12, London: Off. Ass. Johnson; Sol. Hooker, 8, Bartlett's-buildings, Holborn.—Pet. f. Sept. 18.

**GEORGE SPEIGHT**, Goswell-street, dealer and chapman, Oct. 6 at 2, and Nov. 6 at 11, London: Off. Ass. Bell; Sols. Smith & Son, Barnard's-inn, Holborn.—Pet. f. Sept. 19.

**JOHN PATTISON**, Alpha-road, St. John's Wood, and Park-street, Grosvenor-square, surgeon, Oct. 5 at 11, and Nov. 6 at 12, London: Off. Ass. Bell; Sol. Wheeler, 7, Furnival's-inn.—Pet. f. Sept. 24.

**MOSES YEARSLEY**, South Bank, St. John's Wood, wine merchant, Oct. 2 at half-past 2, and Nov. 6 at 1, London: Off. Ass. Edwards; Sol. Roberts, Waltham Cross, Hertfordshire, and 10, Clement's-lane, Lombard-street.—Pet. f. Sept. 19.

**RICHARD THOMAS FITCHETT**, Hanover-street, Hanover-square, dealer and chapman, Oct. 8 at 11, and Nov. 8 at 2, London: Off. Ass. Lee; Sols. Ford & Lloyd, 5, Bloomsbury-square.—Pet. f. Sept. 12.

**THOMAS KINGDON**, Netherexe, Devonshire, dealer and chapman, Oct. 4 at 1, and Nov. 21 at 11, Exeter: Off. Ass. Hirtzel; Sols. Turner, and Stogdon, Exeter.—Pet. f. Sept. 15.

**WILLIAM OULTON**, Liverpool, chemist, Oct. 5 and Nov. 8 at 11, Liverpool: Off. Ass. Bird; Sols. Evans & Son, Liverpool.—Pet. f. Sept. 11.

**THOMAS ALLEN** and **THOMAS CUTHBERT COOKSON**, Manchester, dealers and chapmen, (carrying on business under the firm of Thomas Allen & Co.), Oct. 12 and Nov. 2 at 12, Manchester: Off. Ass. Hernaman; Sols. Withington & Petty, Manchester.—Pet. f. Sept. 21.

## MEETINGS.

*Henry Laumann*, Fulham, boarding-house keeper, Oct. 18 at 11, London, aud. ac. and div.—*Alfred Gibson*, Great St. Helen's, ship broker, Oct. 10 at 12, London, aud. ac.—*H. J. Pratt*, New Bond-street, trunk maker, Oct. 10 at 2, London, aud. ac.—*Thomas Shepherd*, King's Lynn, Norfolk, hop merchant, Oct. 10 at 12, London, aud. ac.—*T. J. Latimer*, Brighton, clothier, Oct. 10 at 1, London, aud. ac.—*Llewellyn Wallington*, Bridgand, Glamorganshire, grocer, Oct. 18 at 11, Bristol, aud. ac.—*William Walters*, Chester, commission agent, Oct. 8 at 11, Liverpool, aud. ac.—*John Fenton*, Liverpool, apothecary, Oct. 8 at 11, Liverpool, aud. ac.—*George Turnbull*, Coxhoe, Durham, draper, Oct. 19 at 1, Newcastle-upon-Tyne, aud. ac.—*David Mackechale*, West Hartlepool, Durham, chemist, Oct. 19 at 11, Newcastle-upon-Tyne, aud. ac.—*Thomas Punshon*, Durham, builder, Oct. 23 at half-past 11, Newcastle-upon-Tyne, aud. ac.—*R. Hart*, West Hartlepool, Durham, wine merchant, Oct. 23 at 11, Newcastle-upon-Tyne, aud. ac.—*Thomas Bell*, Jarrow, Durham, alkali manufacturer, Oct. 19 at half-past 12, Newcastle-upon-Tyne, aud. ac.; Oct. 23 at half-past 12, div.—*Francis Augustus Hatton*, Chesterfield, Derbyshire, auctioneer, Oct. 6 at 12, Sheffield, aud. ac.—*Wm. Waller* the younger, Chesterfield, Derbyshire, ironfounder, Oct. 6 at 12, Sheffield, aud. ac.—*John Warburton*, Sheffield, edge-tool manufacturer, Oct. 6 at 12, Sheffield, aud. ac.—*John Walker Brown*, Sloane-st., upholsterer, Oct. 18 at half-past 12, London, div.—*David Hughes*, Bala, Merionethshire, draper, Oct. 16 at 11, Liver-

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## THE JURIST.

LONDON, SEPTEMBER 29, 1855.

WE are still at some distance from that bold and comprehensive measure which is to combine law and equity, temporal and ecclesiastical, major and minor jurisdictions; but, in the meantime, it is gratifying to receive a few instalments on account of it. For some time past public as well as professional opinion has been in favour of promoting uniformity in legal procedure, and we have witnessed the beneficial results in statutes consolidating extensive branches of the law, and removing much that is anomalous and exceptional in our various systems of jurisprudence. The session of 1855, ingrossed with military affairs, has been unable to bestow much attention upon civil reforms—inter arma leges silent; but among the 129 statutes to which it has given birth there are still signs of this tendency towards uniformity in the laws. Thus, suits for defamation have been withdrawn from the ecclesiastical, and brought entirely within the temporal, jurisdiction of the realm, by the stat. 18 & 19 Vict. c. 41; the law as to the payment of costs in Crown suits is assimilated, by the stat. 18 & 19 Vict. c. 90, to that which prevails in suits between subject and subject; the practice in the county palatine of Lancaster is further assimilated, by the stat. 18 & 19 Vict. c. 45, to that of other counties with respect to the trial of issues from the superior courts at Westminster\*; and provision is made, by the stat. 18 & 19 Vict. c. 48, towards abolishing the peculiar jurisdiction of the Cinque Ports.

We propose briefly to abstract the sections of the last-named statute, which is deserving of some attention. The object of the act is to abolish the jurisdiction of the Lord Warden over civil suits, and to sever from the Cinque Ports certain parishes, which at present

constitute members or liberties thereof. The 1st section enacts, that from the 30th September, 1855, the authority of the Lord Warden of the Cinque Ports and Constable of Dover Castle, relating to the administration of justice in civil proceedings, at law or in equity, or the execution of judgments, writs, and process therein, shall cease, except as to writs of fieri facias received by him before that date. By the 2nd section, after the above-mentioned date, civil proceedings are to be directed, executed, and carried on in the Cinque Ports, the two ancient towns of Winchelsea and Rye, and their liberties, in the same manner as in other places in England, and the sheriff and other ministers of counties are to have the same powers within the Cinque Ports, &c. as in other parts of their counties. The 3rd section enacts, that on petition of the inhabitants of parishes within the Thanet division of Dover\*, her Majesty may order such parishes, or one or more of them, to be deemed part of the county of Kent; and the county justices, who are then to have jurisdiction over them, are empowered by the next section to levy county rates upon them. By the 5th section certain acts of Parliament are to be repealed, so far as they relate to these parishes, after the order for their severance or a charter for their incorporation; and from that time neither the Court of Sessions for Dover, (except as to persons then committed or bailed for trial at such court, sect. 7), nor any of the justices thereof, are to exercise any jurisdiction over them. The 6th section continues the liability of such parishes for monies which have been borrowed on the security of rates raised within them. The 8th section provides for compensation in the case of offices abolished &c. By the 9th section, persons in the custody of the Lord Warden on the said 30th September, by virtue of any authority abolished by the act, are to be removed to the common gaol of the county in which they were arrested. The 10th section saves the rights of the Lord Warden and other officers of the Cinque Ports under any act relating to the adjustment of salvage, or of the Court of Admiralty of the Cinque Ports, or the rights of the Lord Warden, in respect of flotsam, jetsam, and lagan.

\* See also the Common-law Procedure Act, 1852, sect. 103, by which records of the superior courts of common law are to be brought to trial, and entered and disposed of, in the counties palatine, in the same manner as in other counties.

\* Viz. the parishes of St. John the Baptist, (called Margate), St. Peter the Apostle, Birchington, Acol, otherwise the Ville of Wood, Beaksbourne, and Grange, otherwise Grench.

## Correspondence.

## THE SHIP REGISTRY LAWS.

TO THE EDITOR OF "THE JURIST."

SIR,—Recent decisions upon the Ship Registry Acts warrant the calling the attention of the Profession to this branch of the law.

Some of these decisions appear strangely inconsistent with one another, and some of them seem to establish different rules from those which obtain when the subject dealt with is any other description of property.

Considering the important pecuniary interests which are involved in shipping property, and the vast amount of dealings with ships, it is surprising that some of the questions which have lately presented themselves for decision should not have been settled long ago.

The cases of *Hughes v. Morris* and *M'Calmont v. Rankin* will both be found in 2 De G., Mac., & G. 349, 403. *Follett v. Delany* was decided somewhat earlier; it will be found in 12 Jur., part 1, p. 549.

The decision in *Hughes v. Morris* seems to have surprised the Profession, for the opinion of the Court of Common Pleas was taken in *Duncan v. Tindall*, (13 C. B. 258).

In these cases the Courts have truly regarded the statute law as "ravaging all that can be gotten," and have indeed bestowed upon the words of the 34th and 37th sections of stat. 8 & 9 Vict. c. 89, a liberal interpretation, if we regard the extent to which they have been carried; but if we esteem the effectuating of the objects of the Legislature, the true test of the liberality of construction, we may doubt whether this praise is justly due to these decisions.

Intention can be gathered from silence as well as from expression. If ever silence is indicative of intention, we may conceive it to be so when the Legislature pass a statute in certain terms, which receive a settled construction in the courts of law, which construction is extended by another statute passed for that and no other purpose.

The Legislature, observing the merits and the mischiefs of the fruits of its twofold labour, supersedes them by another statute, in terms closely corresponding with its first essay, and (which would be marvellous but upon the supposition of design) omitting the very language which it had resorted to in its second effort. Certainly the inference of writers of repute was, that the construction of the later act was to be the same as that which its predecessor, to which its language bore so strong a resemblance, had received. (See *Abb. Ship*, 50, 5th ed., whose view is adopted in *Coote Mort*, 265, 3rd ed., and *Maude & Pollock Ship*, 13, note (1)).

In none of these cases have the judges intimated how the property in a ship may be effectually sold, or contracted to be "sold," without being at the same time "transferred," and all the rights and powers of an unpaid vendor over it absolutely and irreclaimably vested in the purchaser.

Such a state of the law was recognised in *Follett v. Delany*, and such we must consider to have been the aim of the Legislature in stat. 8 & 9 Vict. c. 89.

The decisions on this subject which appear to conflict the most remarkably are those of Sir R. T. Kindersley, V. C., in *Coombs v. Mansfield*, (1 Jur., N. S., part 1, p. 270), and of Sir J. Romilly, M. R., in *Collinson v. Lister*, (Id., p. 835). In the former case, there being a charge in favour of C., admitted to bind a ship in building till she was registered, the ship is registered, and transferred by a bill of sale, absolute in its terms, but in truth intended to be a mere security; this bill of sale and registered title become vested in L. and B., who when they took it knew of the charge in favour of C., yet the title of L. and B. was upheld, and no aid could be granted to

C., simply because L. and B. did, and C. did not, appear upon the register. In the latter case two directors of the York City and County Bank became, by force of a transfer of a mortgage from the manager of one of their branches, registered mortgagees of a ship for a sum fairly due to them, and considerably exceeding what they realised by sale of the ship. The Master of the Rolls decreed that the proceeds of this sale should be brought into court for the relief of the plaintiffs, who, though not appearing upon the register, were interested in a portion of the monies secured to the branch manager by the original mortgage.

In both instances the relief sought was against the proceeds of the sale of the ship.

One question, which it is singular should not have been earlier set at rest, occurred in the case of *Parr v. Applebee*, (Weekly Rep., No. 40, p. 645), and which came before the Court of Appeal on motion to vary the decree pronounced by the Vice-Chancellor of the Lancashire Chancery. This case differed from any other reported, in the circumstance that the contest was between two parties, both of whom appeared upon the register.

The plaintiffs were bankers, and had lent a customer 1600*l.* on security of a ship, which he mortgaged to Stanhouse, one of their firm, such mortgage being duly perfected by registration. The mortgagor afterwards applied to the plaintiffs for pecuniary accommodation, which they granted upon the footing of an agreement, (which, though in writing, did not recite the certificate of registry, and was therefore incapable of being recorded on the register), that the original "indenture of mortgage, and the property to which it related," should stand as a security, not only for the balance due upon it, but also for what might become due to the plaintiffs' firm by reason of the assistance the plaintiffs were affording the mortgagor. At the date of this agreement there was no other registered charge upon the vessel than that made to the plaintiff Stanhouse.

Six months after the date of this agreement, and with full knowledge of its existence, the defendants took a mortgage upon the ship, expressly "subject to the mortgage to the plaintiff Stanhouse." The defendants contending they were entitled to redeem the plaintiffs on payment of the small balance which still remained of the original mortgage debt only, and being in possession of the ship, she was sold, by arrangement of all parties; and on the cause coming before the Vice-Chancellor of Lancashire, he decreed that the plaintiffs were entitled to payment out of the proceeds of the ship of what was due to them upon the footing of the agreement, as well as the balance of the original mortgage debt.

The Lords Justices have, however, decided that the proceeds of the ship are not to be applied in payment of anything that may be due to the plaintiffs under the agreement, until after the defendants shall have been satisfied all that is due to them upon their mortgage.

The question thus disposed of for the first time was as to the terms upon which the first mortgage of a ship may be redeemed.

Their Lordships refrained from entering at large upon the case, and the reasons for their conclusion, lest they might prejudice the case of *Armstrong v. Armstrong*, (25 Law T. 251), which it was anticipated would be brought before the Court of Appeal. Enough, however, fell from the Lords Justices to lead to the inference that they thought the vice of the plaintiffs' case lay in the second agreement, professing to charge the ship itself, and to secure monies due to the whole of the plaintiffs, and not merely to Stanhouse, the original mortgagee.

It might have been apprehended that the agreement in favour of the plaintiffs was either good against the defendants and all the world, or else void in toto, for the Ship Registry Act seemed to render informal and

incomplete instruments utterly worthless, the language of the 37th section, if taken literally, being, that no bill of sale or other instrument shall be valid, for a specified or any other purpose, until produced and registered at the Custom-house. The Lords Justices appear, however, to have given effect to the agreement as against the mortgagor himself.

Unless the agreement was within the terms of the 37th section, (and if such is to be their effect, they ought to invalidate every deed of every description which has been executed during the time that section has been in operation, and has not been registered at the Custom-house), it is difficult to conceive what point of the policy of the Ship Registry Acts would be defeated, or which of the terms of the stat. 8 & 9 Vict. c. 89, would be infringed, by giving it effect. What has been the policy of the Ship Registry Acts? Two points have been mentioned by the Courts as the objects of the acts—one is, the preservation of a history of the ownership of the vessel from the delivery of the bill of sale; the other, the prevention of any but a British subject being an owner of a British ship, and enjoying the privileges accorded to such ships. By what possibility could the agreement contested in *Parr v. Applebee* interfere with either of these objects? Clearly it could not with the first, since it appears from the statement of it that Stanhouse alone was to hold and realise the ship; nor could it with the other, as (independently of the view suggested below) the acts themselves provide the remedy, for as soon as an unqualified person becomes owner of a British ship, she, from that very circumstance, loses her privileges as such. (Compare the 4th and 12th sections of the stat. 8 & 9 Vict. c. 89).

There is an expression at the close of the 45th section of this statute which may seem to militate against the right contended for by the plaintiffs in this case, to increase or alter the amount or nature of the debt due to Stanhouse on the original mortgage. A more careful scrutiny of the other portions of the statute removes the possibility of this being the true effect of that expression; but, without dilating upon that, I may be allowed to suggest that this very section would shew, that if a person, unqualified to be an owner of a British ship, were to become mortgagee of one, she would not thereby lose her privileges. The 12th section directs who may be owners, (and though a mortgagee may in some sense be said to be an owner "indirectly," yet that does not appear to be the sense in which the term "owner" is here employed); and this (the 45th) says qualified registered owners shall not be deemed, by reason of having made a transfer by way of security only, to have ceased to be the owners.

How are the notions of the validity of a bottomry bond to a Swede, a Dane, or a Spaniard, and the invalidity of a security upon a British ship in favour of an alien, consistent?

It is observable that under the Merchant Shipping Act, 1854, a person cannot be registered as owner by transfer until he makes a declaration of his qualification to hold British ships, and that no such declaration is required from a mortgagee registering his security, although a transferee by testament or act of law of a mortgagee must make one.

The Merchant Shipping Act, 1854, appears to hold out better prospects to equity lawyers than the former registry acts afforded. It seems to put the mode of dealing with ships upon an intelligible and practicable footing. It recognises but two modes of transferring property in ships by acts inter vivos, viz. bills of sale, or absolute transfers and mortgages. It precludes trusts, &c. from affecting the title of registered transferees or mortgagees, but it also prescribes a course of proceeding which may prevent the perpetration of such monstrous frauds as were possible under the former registry acts. Lincoln's-inn is to be the theatre of this course

of action. By the 65th section Courts of equity may restrain for a time the dealings with any "such" ship\*. This express right of interference is given without prejudice to the ordinary powers of the Court. When were such powers ever assumed but in *Armstrong v. Armstrong*?

It would seem that this 65th section will enable a Court of equity to impound a ship until its powers of decreeing a specific performance of a contract, or transfer from a trustee, can be exercised, or a vesting order under the Trustee Act, 1850, (see sect. 10 of the Merchant Shipping Act Amendment Act, 1855), made; and if this be the correct view, it certainly seems a beneficial provision.

Yours &c.,

OBSERVER.

## CONSOLIDATION OF THE STATUTE LAW.

### EXTRACTS FROM THE APPENDIX TO THE REPORT OF THE COMMISSIONERS.

(Continued from p. 376).

5. The present classification is also likely to create error and confusion in references to acts, there being now in every session three different acts bearing the same number; and this objection becomes more serious now that the custom of referring to acts by the number of the chapter only is becoming more common. The distinction attempted of marking one series with Arabic and another with Roman numerals is almost useless; it is almost sure to be lost in copying drafts of bills; and even in the printed copies of acts is so little attended to, that in the quarto edition printed by the Queen's printer the public general statutes are numbered in Arabic numerals in the running title, and in Roman numerals at the commencement of the chapters. Numerous instances have already occurred of acts of the "local and personal" series being referred to in other acts as if they belonged to the "public general" series; three instances will be found in the schedule to a single act, the 14 & 15 Vict. c. 42. (See p. 203 of the Third Report of the late Commission). It is unnecessary to point out what serious consequences might result from the repeal of an act of the public general series when one of the local series was intended. Numbers are particularly liable to errors in copying and in the press; and even if the single series now proposed is adopted, it will be advisable (as already suggested) to refer to the title of an act, as well as to the year and chapter, in all important cases.

#### Instructions to Draftsmen.

The Board consider it very desirable that all the bills prepared under their superintendence should be framed on uniform principles, and in a uniform style; they have therefore caused the following general rules and suggestions to be drawn up, which they request that draftsmen will observe as far as possible in drawing consolidated bills, without, however, considering them as absolutely inflexible where special reasons can be assigned for departing from them.

1. As the immediate object of the commission is only to consolidate, not to amend, the law, the draftsman should consider it his duty, in the absence of special instructions, to present as correctly as possible the effect of the statutes in force, without introducing amendments beyond the correction of clerical errors and omissions which appear from internal evidence to be unintentional. Such amendments of the law as it may appear to him advisable to suggest he should, where practicable, present in a separate form; and in cases where they are necessarily mixed up with other matter he should be careful to note what is new.

\* What does this "such" refer to? It would be awkward were it held to extend to those cases only where the ship had to be sold, so that both her character and the pockets of the alien successors might be protected.

2. It is advisable to repeat exactly the material words of existing statutes, wherever such a course is compatible with concise and effectual consolidation.

3. The royal commission expressly authorises the incorporation of the common or unwritten law, when found desirable, in the course of consolidating the statute law; some latitude, therefore, on this point is allowed to the draftsman; but he should bear in mind that the codification of the common law is no part of the objects of the present commission, and that he is not to incorporate any part of it, except where he finds that he cannot produce a satisfactory consolidation of the statute law without it.

4. On the general subject of the proper style and phraseology of acts of Parliament, the following extract from a paper in the Third Report of the late Board contains, perhaps, all that can be usefully laid down for the guidance of draftsmen. It is there observed, that "brevity and perspicuity in acts of Parliament are to be attained only as they are to be attained in all other compositions—by observing the rules of grammar and logic. All the faults of the statutes as to form and style which require remedy are purely literary faults, and may be remedied, and can only be remedied, by a purely literary reform, without any legislative assistance or interference. All that is wanted is, that the persons who draw acts of Parliament should be firmly resolved to use a plain and concise style, to choose with care the proper words to express their meaning, and never to use a word that is not wanted; and, above all, to assume that they are writing for persons of ordinary candour and intelligence, and not, as is now the practice, to think it necessary to provide, in terms, against every foolish and unworthy quibble that unfair or unreasonable persons may possibly suggest. So long as acts of Parliament are drawn on the assumption that judges or others will not understand, or will pretend not to understand, what is meant by 'the 1 & 2 Vict. c. 1,' until the Legislature enacts that they may and shall understand it, it is vain to hope that any improvement as to brevity and perspicuity is attainable."

It is conceived, that, as a general rule, brevity is only desirable within the limits above suggested; that acts of Parliament should be specimens of pure English; and that what has been termed a "parliamentary short hand" is not required. Remarks on this subject will be found in the paper above cited, (Third Report, p. 232).

In some modern acts of Parliament it seems to have been assumed that no new phraseology, new modes of reference, or other formal improvements may be introduced without giving an express legislative sanction to the innovation. Many interpretation clauses, the enactments authorising the use of short titles, and other similar provisions, appear to have been inserted under this impression. Such provisions, however, cannot be necessary, and generally have an awkward appearance. If intelligible language is used, a declaration that it shall be understood cannot be needed; and for the Legislature to give itself permission to express its will in what form it pleases must be at least superfluous.

As a general rule, it is convenient to arrange the matter in shorter paragraphs than are now commonly met with.

5. "Interpretation clauses," or definitions, have in recent legislation been introduced in a very inconsiderate manner, and a great number of those in modern acts are objectionable, or at least superfluous; but symbols, if properly used, are certainly often useful.

By a symbol is meant a short way of expressing an assemblage of many particulars for which ordinary language provides no general term; and where such assemblages of particulars have to be several times repeated in the course of an act, it is proper and convenient to use a symbol in their place, and to give a definition of what it is intended to mean; but care should be taken, first,

not to use such symbols except where language does not provide an adequate generic term; and, secondly, so to select and employ the symbols as to make it always apparent that they are symbols, and not used in their primary sense.

An instance of disregard of the first of these cautions is the common provision that "lands" shall mean "messuages, lands, tenements, and hereditaments," where, as "hereditaments" includes all the rest, that word might have been used without any interpretation clause at all; and as an instance of uncertainty whether a word is used in its symbolic or its primary sense, the late case of *Bartlett v. Kirwood* (2 El. & Bl. 771) may be referred to, where a doubt arose whether the word "year" was used in its ordinary sense, or in that which had previously been given to it by the interpretation clause. It seems scarcely necessary to add, as a further caution, that words need never be interpreted unless there is some reason to suppose that they will not be rightly understood unless interpreted, or that two symbols should never be provided for one set of particulars; yet both these rules are often disregarded.

Some attempts have been made by the Legislature to enact some general interpretations or definitions of a different nature from the symbols above adverted to; that is, to fix arbitrarily and prospectively the meaning of words which are in their nature ambiguous. This is an erroneous practice, and likely to lead to confusion. If a word is ambiguous—that is, if there is only one word to signify two different things—it is a defect in the language, which should, and easily can, be guarded against by the use of a proper context; but to enact generally that henceforth the word shall only mean one of the two things that it really means is not within the proper functions of legislation. However, it is necessary that the draftsman should bear in mind that there are some enactments of this kind, in order that he may frame his language accordingly: there are the 20 Geo. 2, c. 42, s. 3; the 7 & 8 Geo. 4, c. 28, s. 14; and the 13 & 14 Vict. c. 21, and possibly some others.

6. There are some cases in which it is convenient to give model forms of the documents to be used in carrying out the provisions of an act; as, where the act is to be worked by a large number of persons in inferior official situations, without any central directing authority, as magistrates' clerks, constables, &c.; but, except in cases of this kind, it is better not to prescribe any forms in the act itself, but to empower some competent person or court to prepare them. The same remark applies to the insertion of detailed rules, directing the mode in which the principle of an enactment is to be carried out. When no considerations of practical convenience interfere, it is better to leave these also to be settled by the authority intrusted with the working of the act. This course both greatly shortens acts of Parliament, and makes it easier to alter the rules from time to time, after they have been tested by experience. There are also numerous cases in which it seems to have been considered in modern acts of Parliament that forms must be laid down by authority, in which no assistance of the kind can be required by any persons of ordinary intelligence. For instance, the 9 & 10 Vict. c. 27, informs the registrar of friendly societies that he may certify that the rules of a society are in conformity to law, in this form:—

"I hereby certify that these rules [or alterations of rules] are in conformity to law, and to the provisions of the statutes in force relating to friendly societies."

And the 11 & 12 Vict. c. 29, informs occupiers of land that they may give authority to other persons to kill hares on their lands, in this form:—

"I, A. B., do authorise C. D. to kill hares on my lands within the — of —."

Forms such as these can never be necessary.

(To be continued).



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# The Jurist

No. 39, NEW SERIES.—Vol. I.  
No. 978, OLD SERIES.—Vol. XIX.

OCTOBER 6, 1855.

PRICE 1s.

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M M

## GAZETTES.—FRIDAY, Sept. 28.

## BANKRUPTS.

**CHARLES JOHN MARE**, Orchard-yard, Blackwall, ship-builder, (trading under the style or firm of Charles John Mare & Co.), Oct. 12 at 2, and Nov. 16 at 12, London: Off. Ass. Lee; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Pet. f. Sept. 21.

**GEORGE FOX EAMES**, Paul-street, Finsbury, colourman, Oct. 8 at 2, and Nov. 13 at 12, London: Off. Ass. Lee; Sol. Stopher, 52, Cheapside.—Pet. f. Sept. 18.

**JOHN PITT**, Birmingham, dealer and chapman, Oct. 13 and Nov. 1 at 11, Birmingham: Off. Ass. Whitmore; Sol. Harding, Birmingham.—Pet. d. Sept. 27.

**JOHN DUFFIELD**, Oldbury, Worcestershire, publican, Oct. 13 and Nov. 1 at 11, Birmingham: Off. Ass. Christie; Sols. Watson, West Bromwich; Motteram & Knight, Birmingham.—Pet. d. Sept. 24.

**BARNETT BEHRENS**, Birmingham, dealer and chapman, Oct. 13 and Nov. 1 at 11, Birmingham: Off. Ass. Bittleston; Sol. East, Birmingham.—Pet. d. Sept. 25.

**JAMES ELLIS**, Spring-hill, Birmingham, timber merchant, Oct. 13 and Nov. 1 at 11, Birmingham: Off. Ass. Whitmore; Sol. East, Birmingham.—Pet. d. Sept. 24.

**SAMUEL BRIDGE**, Manchester, dealer and chapman, Oct. 10 and Nov. 6 at 12, Manchester: Off. Ass. Fraser; Sol. Livett, Manchester.—Pet. f. Sept. 18.

**THOMAS LUMSDEN**, South Shields, shipbuilder, Oct. 11 at 11, and Nov. 14 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hodge & Harle, Newcastle-upon-Tyne; Sudlow & Co., 38, Bedford-row.—Pet. f. Sept. 21.

## MEETINGS.

*Wm. Miller*, Whitechapel-road, coffee-house keeper, Oct. 11 at 1, London, last ex.—*Francis Lloyd Bayley* and *Samuel Millner Barton*, Manchester, small-ware manufacturers, Oct. 26 at 12, Manchester, last ex.—*Newyear Lawty Dyson*, Macclesfield, grocer, Oct. 9 at 12, Manchester, last ex.—*Simeon Pitman*, Bath, carpenter, Oct. 11 at 11, Bristol, aud. ac.—*Robert Fowler*, Bayford, near Wincanton, Somersetshire, pork butcher, Oct. 11 at 11, Bristol, aud. ac.—*D. Hughes*, Bala, Merionethshire, draper, Oct. 9 at 11, Liverpool, aud. ac.—*Charles Gough*, Altrincham, Cheshire, ironmonger, Oct. 9 at 12, Manchester, aud. ac.—*Fanny Littlewood* and *Sarah Littlewood*, Manchester, licensed victuallers, Oct. 9 at 12, Manchester, aud. ac.—*Richard Burck*, Bury, Lancashire, grocer, Oct. 16 at 12, Manchester, aud. ac.—*John Moseley*, Macclesfield, saddler, Oct. 16 at 12, Manchester, aud. ac.—*John Denbigh*, Bradford, woolstapler, Oct. 11 at 11, Leeds, aud. ac.—*Francis Edward Tucker*, Copthall-buildings, London, and Hornchurch, Essex, commission agent, Oct. 19 at half-past 1, London, div.—*Samuel King* and *Charles King*, Copley, Oxfordshire, builders, Oct. 22 at 1, London, div. joint est., and div. sep. est. of *Charles King*.—*Morris Schwartz*, Haydon-square, Minorities, clothier, Oct. 22 at 1, London, div.—*George Campton Postans*, Newmarket All Saints, Cambridge-shire, grocer, Oct. 22 at 12, London, div.—*William Gittus*, Isleham, Cambridgeshire, draper, Oct. 22 at 12, London, div.—*Joseph Brook*, Huddersfield, stationer, Oct. 19 at 11, Leeds, div.—*John Ellis Watkinson*, Halifax, grocer, Oct. 19 at 11, Leeds, div.—*James Dyson*, Huddersfield, draper, Oct. 19 at 11, Leeds, div.—*G. Healey*, Preston, Lancashire, timber merchant, Oct. 19 at 12, Manchester, div.—*William Leedham* and *Wm. Alfred Wild*, Sheffield, opticians, Oct. 20 at 12, Sheffield, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. A. Edwards* and *Thos. Whitlock*, Upper Thames-st., bottle merchants, Oct. 19 at 2, London.—*Thomas Gardiner*, Paul-street, Finsbury, licensed victualler, Oct. 19 at 2, London.—*James Fletcher Campbell*, St. Peter's-alley, Cornhill, insurance broker, Oct. 22 at 1, London.—*Francis R. Tucker*, Copthall-buildings, London, and Hornchurch, Essex, commission agent, Oct. 19 at half-past 1, London.—*John Walker Cash*, Longsight, near Manchester, fancy stationer, Oct. 19 at 12, London.—*Luis Canzie*, Cardiff, lodging-house keeper, Oct. 30 at 11, Bristol.—*Thomas Punshon*, Durham, builder, Oct. 23 at 12, Newcastle-upon-Tyne.

*To be granted, unless an Appeal be duly entered.*

*John W. Davis*, Deptford, grocer.—*Francis E. H. Fowler*, Brownlow-road, Dalston, builder.—*James William Crichton*, High-street, Newington Butts, Surrey, upholsterer.—*Wm. Bennett*, Portishead, Somersetshire, carpenter.—*John Manley*, Manchester, machine maker.—*Fanny Littlewood* and *Sarah Littlewood*, Manchester, licensed victuallers.—*J. Richardson*, Manchester, umbrella manufacturer.—*Peter Jameson*, Staley-bridge, Lancashire, tailor.—*Charles T. Judkins*, Manchester, and Cannon-street West, London, sewing machine manufacturer.

## PETITIONS DISMISSED.

*Francis Stephen Foley*, Goldsmith-street, London, ware-houseman.—*Wm. Jefferson*, Westoe, Durham, and *Thomas Dixon*, South Shields, alkali manufacturers.

## PARTNERSHIP DISSOLVED.

*James Illingworth Hindmarsh* and *Henry Edward Hindmarsh*, Crescent, Jewin-street, Cripplegate, attorneys and solicitors.

## TUESDAY, Oct. 2.

## BANKRUPTS.

**RICHARD MOGG ARNOLD**, King-street, Covent-garden, and Stephenson-terrace, Caledonian-road, dealer and chapman, Oct. 11 at 12, and Nov. 12 at 1, London: Off. Ass. Bell; Sol. Chidley, 19, Gresham-street.—Pet. f. Sept. 24.

**THOMAS WAYLAND**, Battersea, Surrey, beer-shop keeper, Oct. 11 at 11, and Nov. 12 at 12, London: Off. Ass. Johnson; Sol. Pain, Gresham-street.—Pet. f. Sept. 28.

**LYON SAMUEL**, Bury-street, St. Mary Axe, dealer and chapman, Oct. 11 at half-past 11, and Nov. 15 at half-past 1, London: Off. Ass. Pennell; Sols. Norton & Son, New-street, Bishopsgate.—Pet. f. Sept. 18.

**JOHN COOKE**, Raven-row, Spitalfields, and Hall-street, City-road, (in partnership with Richard Sambrooke Crawley, under the style or firm of Cooke & Crawley, and at South Shields, under the style or firm of John Cooke & Co.), dealer and chapman, Oct. 13 at half-past 1, and Nov. 13 at 1, London: Off. Ass. Lee; Sol. Stubbs, 46, Moorgate-street.—Pet. f. Sept. 27.

**RICHARD HOYES**, West Cowes, Isle of Wight, licensed victualler, Oct. 16 at 11, and Nov. 20 at 1, London: Off. Ass. Lee; Sol. Hamber, 20, King's Arms-yard, London.—Pet. f. Sept. 28.

**GEORGE POYSER**, Derby, dealer and chapman, Oct. 23 and Nov. 6 at 10, Nottingham: Off. Ass. Harris; Sol. Bowley, Nottingham.—Pet. d. Sept. 28.

**ISAIAH BELCHER**, Wolverhampton, augur manufacturer, Oct. 15 and Nov. 5 at half-past 10, Birmingham: Off. Ass. Whitmore; Sols. Motteram & Knight, Birmingham; Bolton, Wolverhampton.—Pet. d. Oct. 1.

**RICHARD GOODWIN**, Derby, grocer, Oct. 23 and Nov. 6 at 10, Birmingham: Off. Ass. Harrison; Sols. Pickering, Derby; Reece, Birmingham.—Pet. d. Sept. 27.

**JAMES KENYON**, Blackburn, dealer and chapman, Oct. 12 and Nov. 2 at 12, Manchester: Off. Ass. Hernaman; Sols. Wilkinson, Blackburn; Worthington & Shipman, Manchester.—Pet. f. Sept. 22.

## MEETINGS.

*John Steele*, Manchester, manufacturer, Oct. 12 at 11, Manchester, last ex.—*Joseph Travis*, Green Bridge, Crag Mill, and Bridge End, all near Newchurch, Lancashire, woolen manufacturer, Oct. 17 at 12, Manchester, last ex.—*John W. Cash*, Longsight, near Manchester, fancy stationer, Oct. 19 at 12, London, aud. ac.—*Herman Hirschberg*, Cheapside, merchant, Oct. 25 at 12, London, aud. ac.—*Samuel How*, Liverpool, broker, Oct. 12 at 11, Liverpool, aud. ac.—*John Bigham*, Liverpool, shipowner, Oct. 12 at 11, Liverpool, aud. ac.—*Mary Jackson* and *Thomas Heywood*, Droyliden, Lancashire, skein printers, Oct. 17 at 12, Manchester, aud. ac.—*George Healey*, Preston, Lancashire, timber merchant, Oct. 12 at 12, Manchester, aud. ac.—*Mary Johnson* and *W. Johnson*, Cheadle, Staffordshire, grocers, Oct. 17 at half-past 10, Birmingham, aud. ac.; Oct. 31 at half-past 10, div.—*Clairide Kilner*, Walsall, Staffordshire, licensed victualler, Oct. 29 at half-past 10, Birmingham, aud. ac.; Oct. 31 at half-past 10, div.—*George Newey*, Birmingham, grocer, Dec. 10 at half-

[For continuation of Gazette, see p. 395].

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## THE JURIST.

LONDON, OCTOBER 6, 1855.

THE number of undefended actions upon bills of exchange and promissory notes, although small in proportion to the immense amount of "paper" in circulation, has yet been found sufficiently large for the special notice of the Legislature. After the 24th of this month all actions upon these negotiable instruments, if commenced within six months after they have become due, may, and therefore probably will, be brought in accordance with the provisions of the stat. 18 & 19 Vict. c. 67, intitled "An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon\*." The general effect of this statute will be to give the holder of a bill of exchange or promissory note a judgment for the principal and interest, together with the expenses of noting, at the expiration of twelve days from the time it becomes due, unless there is a legal or equitable ground for its non-payment. The procedure is very simple, and analogous to that which was introduced by the Common-law Procedure Act, 1852, upon writs specially indorsed. A writ of summons is to be issued in the form given in the schedule to the act, warning the defendant, that unless within twelve days after service, inclusive of the day of service, he obtains leave from one of the judges of the courts at Westminster to appear, and does within that time appear, the plaintiff may proceed to judgment and execution.

The memorandum that the writ is to be served within six calendar months from its date, or from its renewal, and the indorsements as to the person issuing the writ and the person serving it, are the same as on ordinary writs of summons. Another indorsement to be made is the following:—

"The plaintiff claims £—, principal and interest, [or, £—, balance of principal and interest], due to him as the payee [or, indorsee] of a bill of exchange or promissory note, of which the following is a copy, [*here copy bill of exchange, &c., and all indorsements*];

and if the amount thereof be paid to the plaintiff or his attorney within — days from the service hereof, further proceedings will be stayed."

It will be observed, that, first, nothing is here stated as to the expenses of noting, which formerly could not be recovered; but now, by sect. 5 of this act, the holder of a dishonoured bill of exchange, &c. has the same remedy for the recovery of "the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour," as he has under the act for the recovery of the amount of the bill or note. When such expenses are claimed, therefore, they should be mentioned in the indorsement, stating the amount, and the account on which it is claimed. Thus, after copying the bill or note, the indorsement may run thus—"And the plaintiff also claims — for expenses incurred by him in noting the said bill of exchange [or, promissory note] for non-payment [or, non-acceptance] thereof." Secondly, it will be seen that a blank is left for the number of days within which further proceedings may be stayed on payment of the amount; but we presume that four days is the time that ought to be specified, that being the period indorsed on writs under the Common-law Procedure Act, 1852, (sect. 8), and that act, together with the Common-law Procedure Act, 1854, and the rules thereunder, being extended, as far as may be, to proceedings under this act. (Sect. 7).

A further notice is to be indorsed on the writ, to the effect, that unless the defendant appears within the twelve days, the plaintiff may sign final judgment for any sum not exceeding the amount claimed, and the sum of £— for costs. It also states that leave to appear may be obtained on application at the judge's chambers, on an affidavit "shewing that there is a defence to the action on the merits, or that it is reasonable that the defendant should be allowed to appear." The sum inserted for costs will be an amount fixed by the masters, and approved of by the judge; or if more than such sum be claimed, the costs must be taxed in the ordinary way. One writ may be issued against all or any of the parties to the bill or note, and is to be the commencement of an action or actions against the parties therein named respectively, and all subsequent proceedings are to be as if separate writs had been issued.

\* See 1 Jur., N. S., "Statutes," p. 17.

Within the period of twelve days a judge may give the defendant leave to appear and defend on paying into court the sum indorsed on the writ, or upon affidavits which disclose a legal or equitable defence, or such facts as would make it incumbent on the holder to prove consideration, (e. g. fraud in the inception of the bill), or such other facts as the judge may deem sufficient, and on such terms, as to security or otherwise, as to the judge may seem fit. He may also order the bill or note to be forthwith deposited with an officer of the court, and all proceedings to be stayed until the plaintiff shall have given security for the costs. This will tend to check indorsements to mere men of straw, so that they may sue as trustees for others upon doubtful or tainted instruments.

If, however, no appearance be entered, the plaintiff, on filing an affidavit of personal service within the jurisdiction of the court, or an order for leave to proceed, (see the Common-law Procedure Act, 1852, sect. 17), and a copy of the writ and indorsements thereon, may sign final judgment and issue execution forthwith. The form of judgment is given in the schedule; the amount of interest may be calculated up to the date of the judgment. No proceeding in error lies on such judgment, but it may be set aside under special circumstances, and the defendant be let in to defend the action.

The act is not to extend to Ireland or Scotland, but it is to apply to the Court of Common Pleas of Lancaster and the Court of Pleas at Durham, and its provisions may be extended by Order in Council to any court of record in England and Wales.

It should be observed that the proceedings under this act are not applicable to cases where the defendant is out of the jurisdiction, (see the Common-law Procedure Act, 1852, sects. 18, 19); for independently of the 1st section, requiring the affidavit of personal service to be of service within the jurisdiction, the form of writ is not adapted to any other service, and the period for appearance is limited to twelve days.

## CONSOLIDATION OF THE STATUTE LAW.

### EXTRACTS FROM THE APPENDIX TO THE REPORT OF THE COMMISSIONERS.

(Continued from p. 384.)

Matters are often put into schedules which would come more properly in the body of the act. A schedule is properly something supplementary, and it is not a simple or natural style to relegate that which is the principal subject of an act to a schedule, unless from its form or length it cannot conveniently be introduced in the structure of a sentence. As an instance of the fault referred to, the 14 & 15 Vict. c. 80, may be cited, where we find an enactment that "the provisional order of the General Board of Health referred to in the schedule, applying the Public Health Act, 1848, to the borough of Great Yarmouth, in the county of Norfolk," shall be confirmed; and on turning to the schedule we find that it contains only these words—"Provisional order of the General Board of Health submitted for the confirmation of Parliament. Great Yarmouth." The schedule in an enactment of this kind ought to be incorporated in the clause which refers to it, as indeed in this instance it is, so that it is superfluous as well as misplaced.

7. The practice of making a new law by incorporating by reference the provisions of existing acts on another subject, so as to make it necessary to read them *mutatis mutandis*, should be used with great caution, as the result often is, that brevity is attained at the cost of error and confusion.

8. It is unsafe to refer to acts by the number of the year and chapter only. Numbers are particularly liable to be miscopied and misprinted; and with respect to acts of the "local and personal (public)" and the "private" series, there is a further risk that they will not be distinguished from acts of the "public general" series bearing the same number. The titles of acts should always be referred to, not necessarily at length, but enough to identify them; the year and chapter should also be mentioned for convenience of reference.

Several instances have already occurred of erroneous reference to numbers; some will be found enumerated in the First Report of the former Commission, pp. 24-27; and in the Third Report, p. 203.

Parliamentary "short titles" are not convenient, from not giving the number of the chapter, which makes it necessary to turn to the index before they can be found in the statute-book.

9. Such expressions as "January last," "January next," &c. should be avoided. Four acts of Parliament at least have been made necessary within the present century to correct the consequences of using such referential expressions instead of absolute ones—43 Geo. 3, c. 104; 11 Geo. 4 & 1 Will. 4, c. 71; 13 & 14 Vict. c. 19; 13 & 14 Vict. c. 27.

10. Every enactment which is superseded or rendered unnecessary by a new act ought to be expressly and in terms repealed. Enactments that "all acts inconsistent with this act," or "so much of such and such an act as is inconsistent with this act," shall be repealed, or "any law or usage to the contrary notwithstanding," should never be inserted. They have in reality no effect, for the inconsistency itself is a repeal, and they convey no available information to any one. Where accidental circumstances make it impossible to specify what former acts are repealed, it is of no use to say anything about repeals at all.

With respect to the form of repeals, they may sometimes be conveniently effected by separate acts, (as recommended by Mr. Coode in the First Report of the late Board, p. 82), so that "the repealing act and the repealed act would sleep together;" and the plan has been adopted in the case of the Merchant Shipping Act of last session, (c. 120), and in some earlier instances; in other cases this course would not be practically so convenient as to have the new enactments and the repeals in a single act. On this subject, therefore, no general rule can be laid down, and the draftsman must be guided by the nature of the subject. The tabular form is the clearest way of enumerating acts for repeal.

11. Considerable confusion both of language and thought is produced by the indiscriminate use of "shall" and "may," or other compulsory and permissive terms, and also by the uncertain way in which enactments are made with reference to time. Accuracy in this respect is important.

12. The modern plan of giving an act a long title, and then inserting a clause that a certain combination of words may be used as the title instead, appears to be awkward and unnecessary. A brief title should simply be prefixed to every act; and it is conceived that any words which refer to an act in such a manner as plainly to identify it are a sufficient reference, without the assistance of any declaratory enactment. The uncouth form of most of these "short titles" is also objectionable. Such combinations of words, for instance, as "The Metropolitan Improvements Repayment out of Consolidated Fund Act, 1853," or "The Great Southern

and Western Railway Ireland Extension Portarlington to Tullamore Act, 1847," are certainly very unlike pure English. Some further observations on the subject of short titles will be found at p. 26 of the First Report and at p. 229 of the Third Report of the former Commission.

13. The only case in which a preamble ought to be prefixed to an act is where a statement is necessary in order to make the meaning of the enactment intelligible; but it has become very common to insert preambles which contain, not a statement to render the enactment intelligible, but a statement of the reasons which make it necessary or expedient to pass the bill. It is evident that these reasons, however desirable it may be to present them to the Legislature during its deliberations, are only an incumbrance to the act, as such. Such preambles should therefore be avoided by the draftsman, together with such superfluous recitals as that "it is expedient to alter the law," &c.

14. Except in the few cases where acts are passed to meet a sudden emergency, no act ought to come in force till a fair time has elapsed after its passing, to allow the public to become acquainted with it. It would be convenient if there were two or four fixed days in the year, on one of which all acts should come in force.

#### *List of Terms to which, when used in future Acts, a special Meaning is attached by Statute.*

##### I.—IN ALL ACTS.

*Affidavit.*—See *Oath*.

*Continuing Acts.*—"Where any bill may have been or shall be introduced into this present or any future session of Parliament for the continuance of any act which would expire in such sessions, and such act shall have expired before the bill for continuing the same shall have received the royal assent, such continuing act shall be deemed and taken to have effect from the date of the expiration of the act intended to be continued, as fully and effectually, to all intents and purposes, as if such continuing act had actually passed before the expiration of such act, except it shall be otherwise especially provided in such continuing act: provided nevertheless, that nothing herein contained shall extend or be construed to extend to affect any person or persons with any punishment, penalty, or forfeiture whatsoever, by reason of anything done or omitted to be done by any such person or persons, contrary to the provisions of the act so continued, between the expiration of the same and the date at which the act continuing the same may have received or shall receive the royal assent." (48 Geo. 3, c. 106).

*County* "shall be held to mean also county of a town or of a city, unless such extended meaning is expressly excluded by words." (13 & 14 Vict. c. 21, s. 4).

*England.*—"In all cases where the kingdom of England, or that part of Great Britain called England, hath been or shall be mentioned in any act of Parliament, the same has been and shall from henceforth be deemed and taken to comprehend and include the dominion of Wales and town of Berwick-upon-Tweed." (20 Geo. 2, c. 42, s. 3).

*Expiration of Acts.*—See *Continuing Acts*. *Repeals*.

*Gender and Number.*—"Words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular, unless the contrary as to gender or number is expressly provided." (13 & 14 Vict. c. 21, s. 4).

*Land* "shall include messuages, tenements, and hereditaments, houses and buildings, of any tenure, unless where there are words to exclude houses and buildings, or to restrict the meaning to tenements of some particular tenure." (13 & 14 Vict. c. 21, s. 4).

*Month* "shall be deemed and taken to mean calendar month, unless words be added shewing lunar month to be intended." (13 & 14 Vict. c. 21, s. 4).

*Number.*—See *Gender*.

*Oath, Swear, and Affidavit* "shall include affirmation, declaration, affirming and declaring, in the case of persons by law allowed to declare or affirm instead of swearing." (13 & 14 Vict. c. 21, s. 4).

[*Note.*—The acts permitting affirmations and declarations in lieu of oaths are also themselves prospective. (3 & 4 Will. 4, cc. 49, 82; 5 & 6 Will. 4, c. 62).]

*Public Act.*—"Every act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such, unless the contrary be expressly provided and declared by such act." (13 & 14 Vict. c. 21, s. 7).

[*Note.*—This refers to judicial recognition only, and does not affect the principles of construction of private acts. (*Dawson v. Paver*, 5 Hare; *The Trustees of the Birkenhead Docks v. The Birkenhead Dock Company*, Lords Justices, 1853.)]

*Repeals.*—"Where any act repealing any former act is itself repealed, such last repeal shall not revive the provisions before repealed, unless words be added reviving such act or provisions." (13 & 14 Vict. c. 21, s. 5).

"Wherever any act is made repealing any former act, and substituting some provisions instead of the provisions repealed, such provisions so repealed shall remain in force until the substituted provisions shall come into operation by force of the last-made act." (13 & 14 Vict. c. 21, s. 6).

*Swear.*—See *Oath*.

*Treasury, (Lords of).*—"Where any warrant, appointment, authority, approval, instrument, or act whatsoever is by any act of Parliament or otherwise required to be issued, made, signified, or done by or under the hands of the said commissioners, or by or under the hands of any three or more of them, every such warrant, appointment, authority, approval, instrument, or act may be issued, made, signified, or done by or under the hands of any two or more of the said commissioners, and when so issued, made, signified, or done as aforesaid, shall be binding, and have the same effect to all intents and purposes as if issued, made, signified, or done by or under the hands of the said commissioners, or by or under the hands of any three or more of them, as the case may require." (12 & 13 Vict. c. 89).

[*Note.*—It may be doubted whether the terms of this enactment are prospective, but they are considered and acted on as such by the Lords of the Treasury.]

\* \* None of the statutes above cited contain any general declaration that the meanings thereby affixed may be modified by the context.

##### II.—IN CRIMINAL ACTS.

*Gender, Number, Person.*—By the 7 & 8 Geo. 4, c. 28, s. 14, it is enacted, that "wherever this or any other statute relating to any offence, whether punishable upon indictment or summary conviction, in describing or referring to the offence, or the subject-matter on or with respect to which it shall be committed, or the offender or the party affected or intended to be affected by the offence, hath used or shall use words importing the singular number or the masculine gender only, yet the statute shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construc-

tion; and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be paid to a body corporate in every case where such body shall be the party aggrieved."

### III.—IN CUSTOMS ACTS.

The 21st section of the 17 & 18 Vict. c. 122, is as follows:—"Where any of the terms mentioned in the 367th section of the Customs Consolidation Act, 1853, are used in this or any other act relating to the Customs, the terms so used shall have the same interpretation and meaning as are given to them in the said section." This enactment is apparently prospective.

The interpretations in the 367th section of the Customs Consolidation Act, 1853, (10 & 17 Vict. c. 107), are as follows:—

*Assistant Barrister* "shall, with respect to matters or proceedings in the county of Dublin, be construed as meaning the chairman of Kilmainham; and with respect to matters or proceedings in the city of Dublin, be construed as meaning the recorder of the city of Dublin."

*Attorney-General* "shall include Solicitor-General, or other chief law officer of the Crown in any of her Majesty's possessions abroad where there is no Attorney-General."

*British Possession* "shall include colony, plantation, island, territory, or settlement belonging to her Majesty."

*Channel Islands* "shall mean the islands of Guernsey, Jersey, Alderney, and Sark."

*Collector and Comptroller*.—"Generally, wherever any act, matter, or thing shall or may be required by this or any other act of Parliament to be done by or with the collector and comptroller of any port or place, the same may be done by or with the collector or comptroller or other principal acting officer of Customs at such port or place, and be as valid and effectual as if done by or with any collector and comptroller."

*Commissioners of the Treasury* "shall mean the Lords Commissioners of her Majesty's Treasury."

*Commissioners of Customs* "shall mean the Commissioners of her Majesty's Customs."

*County* "shall mean and include any city, county of a city, county of a town, borough, or other magisterial jurisdiction, or any place or district enumerated in sect. 274 of this act, unless there be something in the subject or context regnant to such construction."

[*Note*.—This seems to be a mistake for sect. 277, which is in these terms:—"Where any offence against this or any other act relating to the Customs shall be committed in any city, borough, liberty, division, franchise, or town corporate, any justice or justices having jurisdiction therein, and any justice or justices of any county within which the same is or are situated, shall have jurisdiction to hear and determine the same; and all powers vested in any justice or justices of the peace by virtue of this act shall be and the same are hereby vested in, and may be exercised in the Isle of Man or the Channel Islands by any governor, deemster, or other magistrate of the said island or islands; and for the purposes of this act the jurisdiction of the magistrates of the borough of Gravesend, in the county of Kent, shall be deemed to extend on the river Thames from Yantlet Creek to Broadness Point, in the Northfleet Hope, and shall include every part of the said river between those limits respectively."]

*Drawback* "shall include bounty."

*Her Majesty* "shall mean her Majesty, her heirs and successors."

*Justice* "shall mean justice of the peace, and include deemster or any other magistrate."

*Landing Waiter* "shall include any officer duly au-

thorised to superintend the landing and examination of goods on their importation."

*Limits of East India Company's Charter* "shall mean the Cape of Good Hope, and all places and seas eastward thereof, to the Straits of Magellan."

*Master* "shall mean the person having or taking the charge or command of any ship."

*Queen's Warehouse* "shall mean any place provided by the Crown for lodging goods therein for security of the Customs."

*Seaman* "shall include mate, mariner, sailor, or landsman, being one of the crew of any ship."

*Ship* "shall mean ship or vessel of any description, unless used to distinguish a ship from a sloop or some other description of vessel."

*Warehouse* "shall mean any place in which goods entered to be warehoused may be lodged, kept, and secured."

\* \* Neither of the Customs Acts above mentioned contains any general declaration that the meanings thereby affixed may be modified by the context.

### IV.—IN FRIENDLY SOCIETIES ACTS.

By the 17 & 18 Vict. c. 56, s. 1, it is enacted that friendly societies established under the 10 Geo. 4, c. 56, and the 4 & 5 Will. 4, c. 40, which grant policies of assurance exceeding 1000*l.*, "shall cease to be friendly societies, and shall not be affected by the provisions of any act passed in the present or any future session of Parliament relating to friendly societies, unless therein expressly named."

### V.—IN POOR LAW ACTS.

"Except where it is otherwise expressly provided, all provisions in any act now passed, or hereafter to be passed, relating to the officers of boards of guardians constituted under the provisions of the said first-recited act, (the 4 & 5 Will. 4, c. 76), or to the workhouses under the management of such guardians, shall apply to all officers appointed by any district board, and to all workhouses under the management of any district board." (7 & 8 Vict. c. 101, s. 74).

### VI.—IN POST-OFFICE ACTS.

The interpretation clause of the 7 Will. 4 & 1 Vict. c. 36, s. 47, is expressed to be "for the interpretation of the Post-office laws;" and by the same clause it is declared, that "the terms 'Post-office acts' and 'Post-office laws' shall mean all acts relating to the management of the post, or to the establishment of the Post-office, or to postage duties from time to time in force."

In addition to this enactment, the 3 & 4 Vict. c. 96, s. 71, contains the following enactment:—"The following terms and expressions, wherever used in this or any other Post-office act, shall have the several interpretations hereinafter respectively set forth;" and after attaching particular interpretations to several words, it proceeds as follows:—"The several other terms and expressions used in this act shall be construed according to the respective interpretations of the terms and expressions contained in the 7 Will. 4 & 1 Vict. c. 36, so far as those interpretations are not repugnant to the subject or inconsistent with the context of such terms and expressions."

The following are all the interpretations contained in the two acts. It would appear that some of those in the former act are superseded by the latter:—

*Between*.—"Whenever the term 'between' is used in reference to the transmission of letters, newspapers, parliamentary proceedings, or other things, between one place and another, it shall apply equally to the transmission from either place to the other." (7 Will. 4 & 1 Vict. c. 36, s. 47).

*British Letter* "shall mean a letter transmitted within the United Kingdom." (Ib.)

(To be continued).



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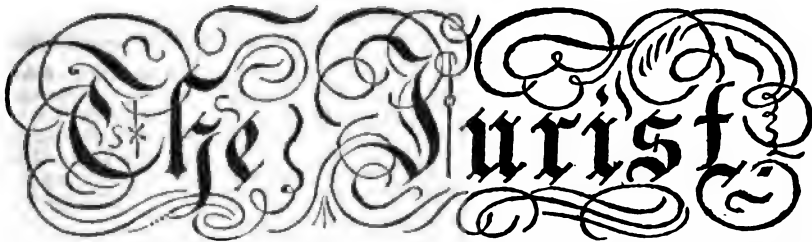
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## GAZETTES.—FRIDAY, Oct. 6.

## BANKRUPTS.

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GUSTAVE LOUIS LONGFELS, Pilgrim-street, Ludgate-hill, dealer and chapman, Oct. 16 at 2, and Nov. 15 at 12, London: Off. Ass. Johnson; Sol. Brewer, 3, Philpot-lane.—Pet. f. Oct. 4.

CYPRIAN JAMES COTTERELL, Abingdon, Berkshire, dealer and chapman, Oct. 19 at 11, and Nov. 19 at 12, London: Off. Ass. Lee; Sol. Jones, 15, Sise-lane.—Pet. f. Sept. 24.

WILLIAM FISHER, Stratford-upon-Avon, Warwickshire, grocer, Oct. 19 and Nov. 16 at 11, Birmingham: Off. Ass. Christie; Sols. Lane, Stratford-upon-Avon; Hodgson, Birmingham.—Pet. d. Sept. 27.

JOSEPH BRAITHWAITE, Stafford, miller, Oct. 17 and Nov. 7 at half-past 10, Birmingham: Off. Ass. Bittleston; Sols. Robinson, Eccleshall, Staffordshire; E. & H. Wright, Birmingham.—Pet. d. Oct. 4.

JOHN MAY, Barnstaple, Devonshire, dealer and chapman, Oct. 18 and Nov. 21 at 1, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Pet. f. Oct. 1.

HENRY LEE FRY, Plymouth, carver, Oct. 13 and Nov. 12 at 1, Plymouth: Off. Ass. Hirtzel; Sols. Edmonds & Sons, Plymouth; Stogdon, Exeter.—Pet. f. Oct. 1.

GEORGE THOMPSON, Knaresborough, Yorkshire, leather seller, Oct. 19 and Nov. 16 at 11, Leeds: Off. Ass. Young; Sols. Kirby, Knaresborough; Harle, Leeds.—Pet. d. and f. Oct. 2.

HENRY WILLIAM JEFFREE, Kingston-upon-Hull, cotton spinner, Oct. 17 and Nov. 14 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Wells & Smith, Kingston-upon-Hull.—Pet. d. Sept. 26.

THOMAS SMITH, Kingston-upon-Hull, grocer, Oct. 17 and Nov. 14 at 12, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Wells & Smith, Kingston-upon-Hull.—Pet. d. Sept. 26.

## MEETINGS.

*Thomas Dixon*, Crook, Durham, grocer, Oct. 11 at 12, Newcastle-upon-Tyne, last ex.—*John Durrant*, High Holborn, victualler, Oct. 15 at 12, London, aud. ac.—*William Little*, Deptford, builder, Oct. 15 at 1, London, aud. ac.—*George C. Postans*, Newmarket All Saints, Cambridgeshire, grocer, Oct. 15 at 1, London, aud. ac.—*Daniel Culhame*, Dartford, Kent, apothecary, Oct. 17 at 1, London, aud. ac.; Oct. 24 at 1, last ex.—*H. Hirschberg*, Cheapside, merchant, Oct. 30 at 12, London, aud. ac. and div.—*Wm. Kemp*, Guildford, draper, Oct. 29 at 2, London, aud. ac.—*Thomas Davies*, New Quay, Cardiganshire, ship builder, Oct. 25 at 11, Bristol, aud. ac.—*John Burton and Robert Edward Rees*, South Hamlet, Gloucestershire, barge builders, Oct. 18 at 11, Bristol, aud. ac.—*Herbert Room*, Birmingham, metallic bedstead manufacturer, Oct. 29 at half-past 10, Birmingham, aud. ac. and div.—*John Weston*, Market Harborough, Leicestershire, tailor, Oct. 24 at half-past 10, Birmingham, aud. ac.—*William Grainger*, Dudley, Worcestershire, builder, Oct. 29 at half-past 10, Birmingham, aud. ac.—*Richard Bartlam*, Wolverhampton, grocer, Oct. 24 at half-past 10, Birmingham, aud. ac.—*John M'Carthy*, Aston, near Birmingham, publican, Oct. 29 at half-past 10, Birmingham, aud. ac.—*James Dyson*, Huddersfield, draper, Oct. 18 at 11, Leeds, aud. ac.—*John Ellis Watkinson*, Halifax, grocer, Oct. 18 at 11, Leeds, aud. ac.—*Peter Clausen*, Newman-street, Oxford-street, manufacturer, Oct. 29 at 12, London, div.—*James Smith*, Philpot-lane, tea-dealer, Oct. 30 at 11, London, div.—*William Winder*, Haymarket, tavern-keeper, Oct. 30 at 1, London, div.—*William Kemp*, Guildford, draper, Oct. 29 at 2, London, div.—*George Boss*, Brighton, livery stable keeper, Oct. 29 at 11, London, div.—*Walter Brettell*, Little Marlborough-street, printer, Oct. 30 at 2, London, div.—*Jacob Connop*, New Finchley-road, St. John's-wood, bill broker, Oct. 26 at 12, London, div.—*John Forbes*, Robert Allen Crawford, and David Shene, Broad-street, merchants, Oct. 26 at 2, London, fin. div.—*William Birch Price* and John Edwards, Shrewsbury, bankers, Oct. 31 at half-past 10, Birmingham, div.—*George Newey*, Birmingham, grocer, Dec.

10 at half-past 10, Birmingham, div.—*George Armitage*, John Frankish, William Frankish, and Thomas Barker, Sheffield, railway carriage manufacturers, Oct. 27 at 12, Sheffield, div.—*John Etheridge* and *George Monck Berkley Michell*, Liverpool, insurance brokers, Oct. 29 at 11, Liverpool, div. sep. est. of *G. M. B. Michell*.—*Mary Jackson* and *Thomas Heywood*, Droylsden, Lancashire, skein printers, Oct. 26 at 12, Manchester, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*James Standing*, Batten's-terrace, High-street, Peckham, china dealer, Oct. 26 at 1, London.—*Wm. Charles Goode*, High-street, Borough, warehouseman, Oct. 26 at 2, London.—*Thomas Hutchins*, Hungerford, Berkshire, butcher, Oct. 26 at half-past 12, London.—*John Grover*, Strand, stationer, Oct. 26 at half-past 1, London.—*Thomas Philips*, Green-lanes, Highbury-park, carpenter, Oct. 26 at 2, London.—*C. Hornell*, Chelmsford, Essex, ironmonger, Oct. 26 at 1, London.—*Harriet Joseph*, Merthyr Tydvil, Glamorganshire, victualler, Nov. 12 at 11, Bristol.—*Samuel Howarth* and *Nash Howarth*, Radcliffe, Lancashire, dyers, Oct. 26 at 12, Manchester.

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## TUESDAY, Oct. 9.

## BANKRUPTS.

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WILLIAM ATTWOOD, Old Dorset-place, Clapham-road, Surrey, dealer and chapman, Oct. 19 at 2, and Nov. 22 at 12, London: Off. Ass. Bell; Sol. Murrongh, New-inn, Strand.—Pet. f. Oct. 9.

CHARLES WATKINSON, Bedford, dealer and chapman, Oct. 18 at 11, and Nov. 13 at 12, London: Off. Ass. Edwards; Sols. Lepard & Co., 9, Cloak-lane, Cannon-street.—Pet. f. Oct. 28.

CHARLES GROSSMITH, Wellington-street, Strand, and 135, Strand, dealer and chapman, Oct. 17 at 2, and Nov. 20 at 1, London: Off. Ass. Stansfeld; Sol. Downes, 1, Three King-court, Lombard-street.—Pet. f. Oct. 5.

EBENEZER BOLTON, Weymouth-street, Portland-place, soda water manufacturer, (carrying on business under the style or firm of Thomas Devine & Co.), Oct. 17 at half-past 2, and Nov. 20 at 12, London: Off. Ass. Stansfeld; Sol. Rushbury, 2, Surrey-street, Strand.—Pet. f. Oct. 5.

EDWARD ASHWELL, Gorberton, Lincolnshire, dealer and chapman, Oct. 23 and Nov. 15 at 10, Nottingham: Off. Ass. Harris; Sols. Sargent, Birmingham; Wiglesworth, Donington, Spalding, Lincolnshire.—Pet. d. Oct. 8.

WILLIAM THOMAS STANFORTH, Sheffield, Yorkshire, cutlery manufacturer, Oct. 20 and Nov. 24 at 12, Sheffield: Off. Ass. Brewin; Sol. Smith, jun., Sheffield.—Pet. d. Sept. 22.

JAMES HOWARTH, Ashton-under-Lyne, Lancashire, dealer and chapman, Oct. 19 and Nov. 23 at 12, Manchester: Off. Ass. Hernaman; Sols. Mellor, Ashton-under-Lyne; Sale & Co., Manchester.—Pet. f. Sept. 29.

## MEETINGS.

*Wm. Skipp Peebles*, East Dereham, Norfolk, builder, Oct. 24 at 12, London, aud. ac.—*J. Dawson*, B. Butterworth, and *Jas. Butterworth*, Spottedale, Rochdale, and Manchester, calico printers, Oct. 19 at 12, Manchester, aud. ac.; Nov. 2 at 12, div.—*John Manley*, Manchester, machine maker, Oct. 19 at 12, Manchester, aud. ac.—*John Hammond*, Birmingham, builder, Nov. 16 at 11, Birmingham, aud. ac.—*Henry Thomas*, Walsall, Staffordshire, saddler, Nov. 16 at 11, Birmingham, aud. ac.—*Wm. Davies*, Birmingham, shoe manufacturer, Nov. 16 at 11, Birmingham, aud. ac.—*Eli Wise Peters*, Coventry, wine merchant, Nov. 2 at 11, Birmingham, aud. ac. and div.—*Wm. Leedham* and *Wm. Alfred Wild*, Sheffield, opticians, Oct. 20 at 12, Sheffield, aud. ac.—*Thos. Tyler*, Wood-street, Cheapside, warehouseman, Oct. 30 at 12, London, aud. ac.

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## THE JURIST.

LONDON, OCTOBER 13, 1855.

THE doctrine of reputed ownership has undergone considerable modification in recent times—a result achieved mainly by the Court of Exchequer. It was formerly used in many instances as an instrument for the transfer to a bankrupt's creditors of property which never belonged to their debtor, and which probably had not in any manner influenced the amount of the credit given to him. It was paying the debts of A. with the goods of B., who had been unfortunate enough to leave them in A.'s hands for a few days, it might be for convenience or security; B. himself, perhaps, believing A. to be a man of substance from the very credit which he was obtaining from those men who now divide amongst them B.'s goods.

After having decided that goods whereof the bankrupt is reputed owner do not pass to the assignees under the Bankrupt-law Consolidation Act without a special order of the Court of Bankruptcy for that purpose, (*Healop v. Baker*, 6 Exch. 740; 8 Exch. 411; see also *Quartermaine v. Bittlestone*, 13 C. B. 133), the Court of Exchequer has, with a liberal appreciation of the requirements and at the same time the varying circumstances of trade, laid down rules upon the subject, which on the one hand render caution in the giving of credit to "outward appearances" more advisable than ever, and on the other hand tend to preserve unto each man his own property, instead of distributing it by a kind of legal spoliation for the benefit of third persons. We allude to the case of *Bell v. Hamilton and Others*, (18 Jur., part 1, p. 1109; S. C., 24 L. J., Ex., 45), from which the following propositions may be deduced:—

1. That in order to render goods in the possession, order, or disposition of a bankrupt, two things must concur—first, they must be in his possession under such circumstances as to render him *reputed owner* of the goods; and, secondly, they must have been left in his possession through some *impropriety* or *laches* of the

true owner, under circumstances calculated to enable the bankrupt to obtain a false credit by inducing the world to look on him as the true owner.

2. That the question whether goods are in the possession, &c. of a bankrupt may depend on the usage of some particular trade, which may vary at different times and places.

3. That where property is left by the true owner in a shop, warehouse, or other place where goods are notoriously left for other purposes than for sale, the proprietor of the shop, &c. is not reputed owner of them within the statute.

The bankrupt in *Bell v. Hamilton* was a clockmaker, and kept clocks in his shop for sale, and also clocks belonging to other persons for repair. In July, 1853, the plaintiff bought a clock of him, but desired it to be kept until he moved into a new house. In March, 1854, he purchased two more clocks, and left them with the bankrupt to be cleaned, which might have been done in three days. On the 7th April the bankruptcy took place, at which time the three clocks were in the shop. They were held not liable to seizure by the assignees.

On their behalf it was urged that the bankrupt had once been owner of the clocks, and that the change of property had not been sufficiently indicated. Reference was made to *Knowles v. Horsfall*, (5 B. & Al. 134), in which casks of brandy, which had been purchased of a spirit merchant, and left on his premises for convenience, passed to the assignees; and *Lingard v. Messior*, (1 B. & Cr. 308), in which machinery, of which the bankrupt had once been the real owner, had been purchased by the defendant, and then demised by him to the bankrupt at an annual rent, the defendant's initials having been first marked upon it; and it was held that it passed to the assignees.

With regard to the former case, Parke, B., said that the seller kept only his own brandies for sale, and therefore all in his vaults appeared to be his, and that it would have been otherwise if it had been shewn that the merchant was in the habit of receiving into his possession the goods of other people. And Alderson, B.,

said that it was then rather a question as to the conclusion which the Court ought to draw from the facts, and he almost regretted having reported the case. *Lingard v. Messiter* was disposed of by the remark that the value of a decision is affected by the change of circumstances, and that if rightly decided at the period of its occurrence it would not be so decided now, as "it is notorious that machinery is often hired, and therefore there is no presumption that machinery in the possession of a manufacturer is his own; so, carriages are now notoriously hired. . . . Family plate in the possession of a silversmith ought not to pass to his assignees."—Per Pollock, C. B. Parke, B., said that he had always considered Lord Redesdale's exposition of the subject in *Joy v. Campbell* (1 Sch. & L. 328) as the best he had met with. It is this—"That clause refers to chattels in the possession of the bankrupt, 'in his order and disposition\* with consent of the true owner.' That means where the possession, order, and disposition is in a person who is not the owner, to whom they do not properly belong, and who ought not to have them, but whom the owner permits unconscientiously, as the act supposes, to have such order and disposition. The object was to prevent deceit by a trader from the visible possession of property to which he was not entitled; but in the construction of the act the nature of the possession has always been considered."

This view was acquiesced in by the other learned judges of the Exchequer, and it will be found to pervade each of their judgments. It subjects the whole doctrine of reputed ownership to simple and intelligible tests, and removes from it the hardship and injustice with which it was chargeable. The loss of property under its influence is now a penalty for misconduct, rather than a punishment for not foreseeing that which no one else foresaw, and for indulging in a confidence which was shared by those very creditors who divided his goods amongst them.

Before quitting this subject we should observe that in *Graham v. Furber* (14 C. B. 134) it was held that the true owner has a right, at any time before the fiat, (or petition for adjudication), to take back his goods, provided he does so without notice of any prior act of bankruptcy, it being a "transaction" with the bankrupt within the meaning of sect. 133 of the 12 & 13 Vict. c. 106; and in *Brewin v. Short and Others* (1 Jur., N. S., part 1, p. 798) the Court of Queen's Bench went further, by holding, that if before the date of the fiat or petition, and before notice of an act of bankruptcy, the true owner bona fide demands possession of the goods, and, communicating with the bankrupt, does that which shows that the goods no longer with his consent remain in the possession, order, or disposition of the bankrupt, the title of the true owner is not defeated by a prior act of bankruptcy.

The Queen has been pleased to appoint William Johnstone Ritchie, Esq., to be one of the Puisne Judges of the Supreme Court of New Brunswick.

\* The words used in the statute are, "possession, order, or disposition;" but Pollock, C. B., said that he should read "or" as "and."

## CONSOLIDATION OF THE STATUTE LAW.

### EXTRACTS FROM THE APPENDIX TO THE REPORT OF THE COMMISSIONERS.

(Continued from p. 392).

*British Newspapers* "shall mean newspapers printed and published in the United Kingdom liable to the stamp duty, and duly stamped." (7 Will. 4 & 1 Vict. c. 36, s. 47).

*British Newspapers* "shall mean newspapers printed and published in the United Kingdom liable to the stamp duties, and duly stamped, and also newspapers printed in the islands of Guernsey, Jersey, Alderney, Sark, or Man, although not liable to stamp duties." (3 & 4 Vict. c. 96, s. 71).

*British Postage* "shall mean the duty chargeable on letters transmitted by post from place to place within the United Kingdom, or, if transmitted to or from the United Kingdom, chargeable for the distance which they shall be transmitted within the United Kingdom, and including also the packet postage, if any." (7 Will. 4 & 1 Vict. c. 36, s. 47).

*Colonial Letter* "shall mean a letter transmitted between any of her Majesty's colonies and the United Kingdom." (Ib.)

*Colonial Newspapers* "shall mean newspapers printed and published in any of her Majesty's dominions out of the United Kingdom." (Ib.)

*Colonies (Her Majesty's)* "shall include every port and place within the territorial acquisitions now vested in the East India Company in trust for her Majesty, the Cape of Good Hope, the islands of St. Helena, Guernsey, Jersey, and Isle of Man, (unless any such places be expressly excepted), as well as her Majesty's other colonies and possessions beyond seas." (Ib.)

*Colonies (Her Majesty's)* "shall include every port and place within the territorial acquisitions now vested in the East India Company in trust for her Majesty, the Cape of Good Hope, the island of St. Helena, the Ionian Islands, and Honduras, as well as her Majesty's other colonies and possessions beyond the seas, (the islands of Man, Guernsey, Jersey, Alderney, and Sark only excepted)." (3 & 4 Vict. c. 96, s. 71).

*Convention Posts* "shall mean posts established by the Postmaster-General under agreements with the inhabitants of any places." (7 Will. 4 & 1 Vict. c. 36, s. 47).

*Delivery* to a letter-carrier, or other person authorised to receive letters for the post, "shall be a delivery to the Post-office; and a delivery at the house or office of the person to whom the letter is addressed, or to him or to his servant or agent, or other person considered to be authorised to receive the letter according to the usual manner of delivering that person's letters, shall be delivery to the person addressed." (Ib.)

*Double Letter* "shall mean a letter having one inclosure." (Ib.)

*Double Postage* "shall mean twice the amount of single postage." (Ib.)

*East Indies* "shall mean every port and place within the territorial acquisitions now vested in the East India Company in trust for her Majesty, and every other port or place within the limits of the charter of the said company, (China excepted), and shall also include the Cape of Good Hope." (Ib.)

*Express* "shall mean every kind of conveyance employed to carry letters on behalf of the Post-office other than the usual mail." (Ib.)

*Foreign Country* "shall mean any country, state, or kingdom not included in the dominions of her Majesty." (Ib.)

**Foreign Letter** "shall mean a letter transmitted to or from a foreign country." (Ib.)

**Foreign Newspapers** "shall mean newspapers printed and published in a foreign country in the language of that country." (Ib.)

**Foreign Postage** "shall mean the duty charged for the conveyance of letters within such foreign country." (Ib.)

**Franking Officer** "shall mean the person appointed to frank the official correspondence of offices to which the privilege of franking is granted." (Ib.)

**Gender.**—See *Person*.

**Inland Postage** "shall mean the duty charged for the transmission of post letters within the limits of the United Kingdom, or within the limits of every colony." (Ib.)

**Inward Bound** "shall be held to include vessels bound as well to any port in the United Kingdom as to any port in any of her Majesty's colonies." (3 & 4 Vict. c. 96, s. 71).

**Letter** "shall include packet." (7 Will. 4 & 1 Vict. c. 36, s. 47).

**Lord Lieutenant of Ireland** "shall mean the chief governor or governors of Ireland for the time being." (Ib.)

**Mail** "shall include every conveyance by which post letters are carried, whether it be a coach, or cart, or horse, or any other conveyance, and also a person employed in conveying or delivering post letters, and also every vessel which is included in the term 'packet boat.'" (Ib.)

**Mail Bag** "shall mean a mail of letters, or a box, or a parcel, or any other envelope in which post letters are conveyed, whether it does or does not contain post letters." (Ib.)

**Majesty (Her)** "shall mean her Majesty, her heirs and successors." (Ib.)

**Master of a Vessel** "shall include any person in charge of a vessel, whether commander, mate, or other person, and whether the vessel be a ship of war or other vessel." (Ib.)

**Number.**—See *Person*.

**Officer.**—"Every officer mentioned shall mean the person for the time being executing the functions of that officer." (Ib.)

**Officer of the Post-office** "shall include the Postmaster-General, and every deputy postmaster, agent, officer, clerk, letter-carrier, guard, post-boy, rider, or any other person employed in any business of the Post-office, whether employed by the Postmaster-General, or by any person under him, or on behalf of the Post-office." (Ib.)

**Outward Bound** "shall be held to include vessels bound as well from any port in the United Kingdom as from any port in her Majesty's colonies." (3 & 4 Vict. c. 96, s. 71).

**Packet** "shall include letter." (7 Will. 4 & 1 Vict. c. 36, s. 47).

**Packet Boats and Post-office Packets** "shall include vessels employed by or under the Post-office, or the Admiralty, for the transmission of post letters, and also ships or vessels (though not regularly employed as packet boats) for the conveyance of post letters under contract, and also a ship of war or other vessel in the service of her Majesty, in respect of letters conveyed by it." (Ib.)

**Packet Postage** "shall mean the postage chargeable for the transmission of letters by packet boats between Great Britain and Ireland, or between the United Kingdom and any of her Majesty's colonies, or between the United Kingdom and foreign countries." (Ib.)

**Packet Letter** "shall mean a letter transmitted by a packet boat." (Ib.)

**Penalty** "shall include every pecuniary penalty or forfeiture." (Ib.)

**Person.**—"Whenever in this act, or the schedules hereto, with reference to any person or matter or thing, or to any persons, matters, or things, the singular or plural number or the masculine gender only is expressed, such expression shall be understood to include several persons or matters or things as well as one person or matter or thing, and one person or matter or thing as well as several persons or matters or things, females as well as males, bodies politic or corporate as well as individuals." (Ib.)

[*Note.*—Although this interpretation originally applied only to the act in which it is contained, it is conceived that by the 3 & 4 Vict. c. 96, s. 71, it is extended to future Post-office Acts.]

**Persons employed by or under the Post-office** "shall include every person employed in any business of the Post-office, according to the interpretation given to 'officer of the Post-office.'" (7 Will. 4 & 1 Vict. c. 36, s. 47).

**Post (by the)** "shall extend to and include the transmission of post letters, as well by any general, or twopenny, or penny, or convention post, as by packet boat." (3 & 4 Vict. c. 96, s. 71).

**Postage** "shall mean the duty chargeable for the transmission of post letters." (7 Will. 4 & 1 Vict. c. 36, s. 47).

**Postmaster-General** "shall mean any person or body of persons executing the office of Postmaster-General for the time being, having been duly appointed to the office by her Majesty." (Ib.)

**Post Letter** "shall mean any letter or packet transmitted by the post under the authority of the Postmaster-General, and a letter shall be deemed a post letter from the time of its being delivered to a post-office to the time of its being delivered to the person to whom it is addressed." (Ib.)

**Post Letter Bag** "shall include a mail bag or box, or packet or parcel, or other envelope or covering, in which post letters are conveyed, whether it does or does not contain post letters." (Ib.)

**Post-office** "shall mean any house, building, room, or place where post letters are received or delivered, or in which they are sorted, made up, or despatched." (Ib.)

**Post-office Acts and Post-office Laws** "shall mean all acts relating to the management of the post, or to the establishment of the Post-office, or to postage duties from time to time in force." (Ib.)

**Post-office Packets.**—See *Packet Boats*.

**Post Town** "shall mean a town where a post-office is established, (not being a penny, or twopenny, or convention post-office)." (Ib.)

**Post Town** "shall include every city, town, and place where a post-office is or shall be established." (3 & 4 Vict. c. 96, s. 71).

**Sea Postage** "shall mean the duty chargeable for the conveyance of letters by sea by vessels not packet boats." (7 Will. 4 & 1 Vict. c. 36, s. 47).

**Single Letter** "shall mean a letter consisting of one sheet or piece of paper, and under the weight of an ounce." (Ib.)

**Single Postage** "shall mean the postage chargeable for a single letter." (Ib.)

**Ship Letter** "shall mean a letter transmitted inwards or outwards over seas by a vessel not being a packet boat." (Ib.)



*Ships* "shall include vessels other than packet boats." (Ib.)

*Treasury (Lords of)* "shall mean the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, or the Lords Commissioners of her Majesty's Treasury of Great Britain and Ireland, or any three or more of them." (Ib.)

*Treble Letter* "shall mean a letter consisting of more than two sheets or pieces of paper, whatever the number, under the weight of an ounce." (Ib.)

*Treble Postage* "shall mean three times the amount of single postage." (Ib.)

*Treble the Duty of Postage* "shall mean three times the amount of the postage to which the letter to be charged would otherwise have been liable, according to the rate of postage chargeable on letters." (Ib.)

*United Kingdom* "shall mean the United Kingdom of Great Britain and Ireland." (Ib.)

*United Kingdom* "shall mean the United Kingdom of Great Britain and Ireland, and the Islands of Man, Jersey, Guernsey, Sark, and Alderney." (3 & 4 Vict. c. 96, s. 71.)

*Valuable Security* "shall include the whole or any part of any tally, order, or other security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of this kingdom, or of Great Britain, or of Ireland, or of any foreign state, or in any fund of any body corporate, company, or society, or to any deposit in any savings bank, or the whole or any part of any debenture, deed, bond, bill, note, warrant, or order, or other security whatsoever for money or for payment of money, whether of this kingdom or of any foreign state, or of any warrant or order for the delivery of [or] transfer of any goods or valuable thing." (7 Will. 4 & 1 Vict. c. 36, s. 47.)

*Vessel* "shall include any ship or other vessel not a Post-office packet." (Ib.)

\* \* The interpretation clause in the 7 Will. 4 & 1 Vict. c. 36, has these introductory words—"The following terms and expressions shall have the several interpretations hereinafter respectively set forth, unless such interpretations are repugnant to the subject, or inconsistent with the context of the provisions in which they may be found."

And the interpretation clause in the 3 & 4 Vict. c. 96, has these introductory words—"The following terms and expressions, whenever used in this or any other Post-office Act, shall have the several interpretations hereinafter respectively set forth, unless such interpretations are repugnant to the subject, or inconsistent with the context of the provisions in which they may be found."

#### VII.—IN SCOTCH ACTS.

*County.*  
*Sheriff.*  
*Sheriff Clerk.*  
*Sheriffdom.*  
*Shire.*

"In all cases in which the words 'sheriff,' 'sheriff clerk,' 'shire,' 'sheriffdom,' and 'county' occur in any existing act of Parliament, or shall occur in any future act, relating to Scotland, the word 'sheriff' shall be deemed and taken to comprehend and apply to any steward; the words 'sheriff clerk' to comprehend steward clerk; and the words 'shire,' 'sheriffdom,' and 'county' to comprehend and apply to any stewartry in Scotland, excepting where otherwise specially provided, and excepting cases in which there is anything in the subject or context repugnant to such meaning and application." (7 Will. 4 & 1 Vict. c. 39.)

#### VIII.—IN STAMP ACTS.

By the 13 & 14 Vict. c. 97, s. 20, it is provided, that wherever in that act, or any other act relating to stamp

duties, "with reference to any person, offence, matter, or thing, any word or words is or are, or have been or shall be used, importing the singular number or the masculine gender only, yet such words shall be understood to include several persons as well as one person, females as well as males, bodies politic or corporate as well as individuals, and several matters and things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and that wherever the several words, terms, or expressions following are or shall be used in this act, or in any other such act as aforesaid, with reference to any deed or instrument, they shall be construed respectively in the manner hereinafter directed; (that is to say), the word 'write,' or the word 'written,' shall be respectively deemed to mean and include the several words 'print' or 'printed,' or 'partly write and partly print,' or 'partly written and partly printed,' as well as 'write' or 'written.'"

#### IX.—IN TURNPIKE ACTS.

The 3 Geo. 4, c. 126, s. 4, enacts, that "all the enactments, provisions, matters, and things in this act contained shall extend, and be deemed, construed, and taken to extend, to all acts of Parliament now in force, and to all acts which shall hereafter be passed, for making, widening, turning, amending, repairing, or maintaining any turnpike road or roads in that part of Great Britain called England, save and except where any other commencement is particularly directed by this act, and as to such enactments, provisions, matters, and things as shall be expressly referred to, and varied, altered, or repealed, by any such act or acts as shall be hereafter passed."

The 7 & 8 Geo. 4, c. 24, which recites the 3 Geo. 4, c. 126, and the 4 Geo. 4, c. 95, enacts, (sect. 20), that "all the powers, authorities, clauses, provisions, penalties, forfeitures, matters, and things contained in the said acts of the third and fourth years of the reign of his present Majesty, shall, so far as the same are not altered or varied by this present act, extend and be construed to extend to this act, and shall be applied and put in execution as fully and effectually, to all intents and purposes, as if the same were repeated and re-enacted in the body of this act, and made part thereof."

The same act contains (sect. 19) the following interpretations, which, by virtue of the 20th section above cited, appear to be applicable to all future turnpike acts:—

*County*, "in the said recited acts, or any of them, or in this act, shall be deemed and construed to extend to and to include riding or division."

*Parish*, "in the said recited acts, or any of them, or in this act, shall be deemed and construed to extend to and to include ward, district, hamlet, township, or place."

*Person*, "in the said recited acts, or any of them, or in this act, shall be deemed and construed to extend to and to include any one or more person or persons, and of either sex."

*Trustees*, "in the said recited acts, or any of them, or in this act, shall be deemed and construed to extend to all or any of the trustees or commissioners appointed for the execution of any act or acts for making, amending, repairing, maintaining, or keeping in repair any turnpike road."

\* \* This interpretation clause contains no general declaration that the meanings thereby affixed may be modified by the context.

(To be continued).

half-past 11, London, div.—*Betty Worsley* and *James Heys*, Helmsbore, near Haslingden, Lancashire, cotton manufacturers, Nov. 1 at 12, Manchester, div.—*John Wilson* and *Benjamin Wilson*, Manchester, tailors, Nov. 1 at 12, Manchester, div. joint est., and div. sep. est. of *J. Wilson*.—*Joah Carver* and *Wm. Carver*, Halifax, machine makers, Nov. 2 at 11, Leeds, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Henry Knight Turnell* and *Albert Kahl*, Fenchurch-street, insurance brokers, Oct. 31 at 12, London.—*Samuel Gawan*, Kent-street, Southwark, victualler, Oct. 31 at half-past 2, London.—*Robert Goff*, New London-street, merchant, Oct. 31 at half-past 1, London.—*William Little*, Deptford, builder, Oct. 31 at 2, London.—*George Bickley*, Lower Kennington-green, Kennington, money scrivener, Oct. 31 at 2, London.—*Walter James Palmer*, Bristol, cattle dealer, Nov. 19 at 11, Bristol.—*Wm. Fear* and *Wm. Fear* the younger, Bristol, sawyers, Nov. 5 at 11, Bristol.—*John Strong* the younger, Birkenhead, Cheshire, steam-boat owner, Oct. 30 at 11, Liverpool.—*Samuel Fenn* and *Joseph Fenn*, Birmingham, tailors, Nov. 8 at half-past 10, Birmingham.—*Joseph Spencer*, Bilston, Staffordshire, ironfounder, Nov. 8 at half-past 10, Birmingham.—*Henry Robinson*, Brewood, Staffordshire, maltster, Nov. 8 at half-past 10, Birmingham.—*Nathan Levy*, Worcester, clothier, Nov. 15 at half-past 10, Birmingham.—*Edward Whitaker*, Walsall, Staffordshire, draper, Nov. 15 at half-past 10, Birmingham.—*Joseph Dent* and *Robert Dent*, Atherton, Warwickshire, builders, Nov. 15 at half-past 10, Birmingham.

To be granted, unless an Appeal be duly entered.

*James Wisler Aldridge*, Witham, Essex, corn merchant.—*Matthew Henry Francis*, George-yard, Lombard-street, dealer in mining shares.—*George Anderson*, Upper-street, Islington, stationer.—*James Piper*, Holborn-hill, carver.—*Henry Savill*, Colchester, grocer.—*William Thomas Ashwin*, Blackheath, chemist.—*William Austin*, Colchester, wholesale grocer.—*John Bentley Carr*, Bardsey, Ashton-under-Lyne, brewer.—*Nicholas Kennedy*, Manchester, ivory turner.—*W. Williams*, Liverpool, tailor.—*Thomas Nash*, Stourbridge, Worcestershire, builder.—*James Lea*, Birmingham, builder.—*Wm. Quinton*, Birmingham, builder.—*Thos. Price Smith*, Birmingham, factor.

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# The Jurist

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OCTOBER 20, 1855.

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## GAZETTES.—FRIDAY, Oct. 12.

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**DANIEL BENJAMIN HERTS**, Sidney-square, Mile-end, commission agent, Oct. 24 at 2, and Nov. 23 at 12, London: Off. Ass. Graham; Sol. Sydney, 33, Jewry-street, Aldgate.—Pet. f. Oct. 9.

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## MEETINGS.

*John Jones*, Manchester, machine maker, Nov. 1 at 12, Manchester, last ex.—*Thomas Hickery*, Bristol, brickmaker, Oct. 25 at 11, Bristol, aud. ac.—*Richard Morgan*, Dowlas, Glamorganshire, grocer, Nov. 8 at 11, Bristol, aud. ac.—*John Birt*, Abinghall, Gloucestershire, paper manufacturer, Nov. 8 at 11, Bristol, aud. ac.—*Ellis Cullen*, Newport, Monmouthshire, cabinet maker, Nov. 15 at 11, Bristol, aud. ac.—*Charles Phillips*, Weston-super-Mare and Burnham, Somersetshire, brick manufacturer, Nov. 15 at 11, Bristol, aud. ac.—*John Williams*, Ffynnon Groyw, Llanasa, Flintshire, grocer, Oct. 25 at 11, Liverpool, aud. ac.; Nov. 1 at 11, div.—*John Noble*, Liverpool, shipwright, Oct. 23 at 11, Liverpool, aud. ac.; Nov. 5 at 11, div.—*Charles Warwick*, Manchester, commission agent, Oct. 24 at 12, Manchester, aud. ac.—*Thomas Wilson* and *Henry Corbett*, Manchester and Preston, merchants, Oct. 25 at 12, Manchester, aud. ac. sep. est. of *Henry Corbett*.—*Joshua Crowther* and *Wm. Dickinson* the younger, Manchester, general Manchester warehousemen, Oct. 25 at 12, Manchester, aud. ac.—*John Wilson* and *B. Wilson*, Manchester, tailors, Oct. 25 at 12, Manchester, aud. ac. joint est., and aud. ac. sep. est. of *John Wilson*.—*Betty Worsley* and *James Heys*, Helmsford, near Haslingden, Lancashire, cotton manufacturers, Oct. 26 at 12, Manchester, aud. ac.—*Robert Robinson*, Manchester, provision dealer, Oct. 24 at 12, Manchester, aud. ac.—*Joeliah Smeaton*, *Thos. Smeaton*, and *Wm. Smeaton*, Manchester, wholesale grocers, Nov. 2 at 12, Manchester, aud. ac.—*Geo. Frederick Lillierap*, Bishopsgate-st. Without, grocer, Nov. 3 at half-past 12, London, div.—*Wm. Butcher*, Lichfield, Staffordshire, coach builder, Nov. 5 at half-past 10, Birmingham, aud. ac. and div.—*Robert Heath*, *Wm. Welch*, and *John Heath Barber*, Burslem, Staffordshire, ironmasters, Nov. 5 at half-past 10, Birmingham, aud. ac. and div. sep. est. of *John Heath Barber*.—*Wm. Williams*, *Wm. Williams* the younger, and *Thomas Robert Williams*, Newport, Monmouthshire, bankers, Nov. 6 at 11, Bristol, fin. div. sep. ests.; Dec. 4 at 11, joint est.—*Edmund English* and *Edmund F. English*, Bath, auctioneers, Nov. 5 at 11, Bristol, fin. div.

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## TUESDAY, Oct. 10.

## BANKRUPTS.

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## THE JURIST.

LONDON, OCTOBER 20, 1855.

THE Legislature having thought fit to enable certain companies to obtain from the registrar of joint-stock companies a "certificate of complete registration with limited liability," and having conceived and expressed its design with more than usual imperfection, an attempt to ascertain the scope and effect of the act, so far as they are ascertainable without judicial aid, may be useful to our readers. The Limited Liability Act, 1855, (18 & 19 Vict. c. 133), gives the right to obtain a certificate of limited liability, on certain conditions, to all joint-stock companies (other than assurance companies) formed or to be formed under the Joint-stock Companies Registration Act, 7 & 8 Vict. c. 110, or under any private act of Parliament. It does not mention chartered companies; and as banking companies are not within the Joint-stock Companies Registration Act, such companies cannot obtain the benefit of the Limited Liability Act unless they first procure an act of incorporation.

With respect to companies seeking limited liability on their original formation, the conditions are—

1. The proposal to form the company with limited liability shall be stated on the returns for provisional registration.

2. The word "limited" shall be the last word of the name of the company. [Ex. g. "The Patent Soot Bleaching Company, Limited."]

3. The deed of settlement shall state that the company is formed with limited liability.

4. The capital shall be divided into shares of a nominal value not less than 10*l*. The deed of settlement shall be executed by shareholders, not less than twenty-five in number, holding shares to the amount in the aggregate of at least three-fourths of the nominal capital

of the company; and there shall have been paid up by each of such shareholders, on account of his shares, not less than 20*l*. per centum.

5. The payment of the above per-centage shall be acknowledged in or indorsed on (meaning, we presume, acknowledged by indorsement on) the deed of settlement, and shall be verified by a statutory declaration of the promoters, or any two of them. (The persons to whom the payment is to be made, and by whom it is to be acknowledged, are not indicated).

Upon such conditions (in addition to the conditions for obtaining complete registration under the Joint-stock Companies Registration Act) being complied with, the registrar must grant a certificate of complete registration with limited liability.

A certificate of complete registration with limited liability may be obtained by a company already completely registered, in the following manner:—

"The directors of such company may, with the consent of at least three-fourths in number and value of its shareholders who may be present, personally or by proxy, at any general meeting summoned for that purpose, make such alteration in the name" of the company [by adding the word "limited"], the "nominal value of shares, and deed of settlement of the company, as may be necessary for enabling it to comply with the conditions hereinbefore mentioned with respect to joint-stock companies seeking to obtain certificates of complete registration with limited liability; and upon compliance with such conditions, the registrar, after the affairs of the company shall, at the expense of the company, have been audited by some person appointed by the Board of Trade, and on certificate from the said Board that the complete solvency thereof has been established on such audit to its satisfaction, shall grant to such company by its new name a certificate of complete registration with limited liability." The directors, with the consent of the prescribed majority of share-

holders, may "make such alteration in the name, nominal value of shares, and deed of settlement" as may be necessary for complying with the conditions. On this arises the question, how is the deed of settlement to be altered? A resolution, having the force of a clause in the deed of settlement, is an alteration of the deed of settlement, or at least of its provisions; but that is an alteration made by the meeting, and not by the directors. The directors are to alter the deed. It seems they cannot alter the deed which has been executed, for that would be to make it void. They must then prepare a new or supplementary deed. But must that deed be executed by all, or by three-fourths in value, or by any of the shareholders? Who can say? The main difficulty, however, is, to discover how the consent of three-fourths in number and value of the members present at a meeting is to enable the directors to raise the nominal value of shares—say of 5*l.* each—to 10*l.*, if a single shareholder holding a single share dissents. To raise the nominal value of each share, i. e. to double the capital and the liabilities of the shareholders, is out of the question. The shares must be consolidated. How can the single share of a single shareholder be consolidated, even with his consent? He might as well attempt, unaided, to commit a riot.

The method of procuring a certificate of limited liability by a company established by private act is the same as in the last case, except that no execution of a deed of settlement by twenty-five or any number of shareholders is required; and the change to be made in the name, and when necessary in the nominal value of the shares of the company, is not required to be effected by altering any deed of settlement; and the certificate of the Board of Trade is to affirm, not only the solvency of the company, but also the payment of 20*l.* per cent. of its nominal capital, which payment is not required to be stated or verified as in the case of companies established under the Registration Act.

The members of a joint-stock company which has so obtained a certificate of complete registration with limited liability are not to be liable under any judgment, decree, or order against the company, or for any debt or engagement of the company, otherwise than severally, each to the amount of the unpaid-up portion of his shares; and this liability is only to be enforced after execution or process in the nature of execution against the effects of the company has been issued, and sufficient has not been found, when the court or a judge of the court from which the process issued may grant an order for execution against any shareholder. There is no provision for giving notice of the application to the shareholder, but the Courts will probably require ten days' notice to be given, as in cases under the 68th section of the stat. 7 & 8 Vict. c. 110.

The first observation that occurs upon this enactment is, that it only extends to the members of a joint-stock company which has so obtained a certificate of limited liability, i. e. has obtained it by complying with the prescribed conditions. There is no provision that the registrar's certificate shall be conclusive evidence of compliance with the conditions; and it follows, that if at the time when the certificate was granted the required per-centage of capital had not been paid up, though the deficiency was only 1*s.*, the certificate is

worthless, and all the members are liable without limit. Every one, therefore, who joins a company registered with limited liability incurs the risk of unlimited liability, because he cannot be assured that the due proportion of capital was paid up before the certificate was granted. The case of *The Eastern Archipelago Company* is a document that such frauds are possible even when the directory is filled with eminent and respectable names.

In the Joint-stock Companies Registration Act it is expressly provided, that after execution against the company has proved unavailable, execution may issue against any shareholder for the time being, or against any person who was a shareholder within the last preceding three years. (Sect. 66). The provision for execution against shareholders in the Limited Liability Act is confined to existing shareholders—and with some shew of consistency, since the liability to creditors is assimilated to the liability for calls, and is limited to the amount not paid up on the shares; and a transfer of shares exonerates the transferor from liability for calls made after the transfer. But the consequence is, that the remedy which the act professes to give the creditors of the company to the extent of the subscribed and unpaid capital may be defeated by a transfer of the shares to a man of straw, and the winding up of a company—i. e. the stoppage of its proceedings, (for the metaphor is not taken from horology)—will be effected in a very simple and inexpensive manner. The process will be—execution against the property of the company; return of no effects; certain entries in the registers of transfers and of shareholders; and inspection of the register of shareholders by the creditor, from which he learns that the gentlemen now answerable for the whole unpaid capital of the company are, Timothy Twig, crossing sweeper, Ichabod Rip, licensed pedler, and Hans Wurst, out of employment and ready to answer any inquiries. The company will then be wound up, and dissolved—as breath into the wind.

In addition to this privilege of suing out execution against a pauper, and the provision that the deed of settlement shall be executed by at least twenty-five shareholders, who may the next moment transfer at once all their shares and all their liability to a domiciled citizen of Norfolk Island, there are these further provisions for the security of creditors:—

1. The company shall not raise funds by an increase of its nominal capital. This at least appears to be the drift of the 6th section, which enacts that no increase in the nominal capital of the company shall be advertised or otherwise acted on until it has been registered, and that no such increase shall be registered until it has been, not only advertised, but subscribed for, and paid up to the extent of 20*l.* per cent. on three-fourths of the amount. The prohibition is enforced by a penalty of 50*l.* on each director.

2. Directors paying dividends to shareholders out of insolvent assets are answerable to the creditors for the amount so paid. But if a capital of 1,000,000*l.* is subscribed for and paid up, and is repaid in the shape of dividends while the company is not in debt, the company may go on trading on the reputation of possessing the capital originally announced, without any one being liable for its debts.

3. Security for calls is not to be considered as payment of them; and directors assenting to any loan of money by the company to any shareholder are liable, to the extent of such loan and interest on it, to the creditors of the company. This seems to be a liability in addition to the liability of the borrower, and not-



withstanding repayment of the loan. But though a loan to the shareholders is prohibited, a gift to them in the shape of dividend is not prohibited if the company is solvent at the time.

4. When three-fourths of the capital are lost or become unavailable from any cause, the company must be dissolved. This injunction is not enforced by any penalty; and the meaning of the word "unavailable" is left in doubt.

5. The auditor or one of the auditors of the company (except in the case of a company established by act of Parliament) must be submitted for approval to the Board of Trade, who may appoint another in his place.

The other noticeable provisions of the act are, that the company shall use its name (including the word "limited") on all its offices or places of business, and all its advertisements, notices, bills, and other documents; and that limited companies shall be within three Winding-up Acts, of which one cannot, by any human skill, be applied to any company, and the others are essentially inapplicable to a limited company.

Such is the principal Government measure of the session of 1855. Even the supporters of the design disapprove of the details of the act; but it has fulfilled the object for which, by powerful influence, it was forced upon the Government; and there is no probability of any amendment being attempted in the next session. It enables the promoters of a company to hold out the bait of limited liability—and, if they please, to make sure of such limitation—and that is all that was desired. The theorists, and those who have no interest in the matter otherwise than as it concerns justice and commercial morality, will be as powerless to amend the act as they were to improve or to delay the passing of the bill.

## CONSOLIDATION OF THE STATUTE LAW.

### EXTRACTS FROM THE APPENDIX TO THE REPORT OF THE COMMISSIONERS.

(Continued from p. 400).

*Observations on the "Expurgatory List of Statutes," ordered by the House of Commons to be printed, on the 29th January, 1855. (No. 36).*

Although the present Statute-law Commission is not in any way responsible for the preparation or the publication of the list above mentioned, and in fact never had anything to do with it, yet it appears desirable, for several reasons which will appear in the course of the following observations, that the Board should have some account of the circumstances under which it was prepared, and of its present condition.

The list in question, as now printed, is a return to an address moved in the House of Commons on the 14th December, 1854, by Mr. Locke King, for "an Expurgatory List of Statutes prepared by Messrs. Anstey and Rogers, late Commissioners of Statute Law;" and Mr. Locke King has now given notice, that on the 19th June he will move a further resolution, to the effect, that "the preparation of a Declaratory Repealing Bill, of which the list now printed should form the groundwork, ought to be no longer delayed, and that such a bill ought to be forthwith directed to be prepared by the Statute-law Commissioners, for the purpose of being laid before Parliament."

No one acquainted with the history of the late Statute-law Board of 1853-4, and with the circumstances under which these and other motions have been brought before Parliament, can doubt that the intention of these motions is to express dissatisfaction with the proceedings of the late Board, and want of confidence in the present Commission; and with respect to the list now

in question in particular, it is to be presumed that the act of causing it to be printed was intended to imply that it was a useful work, the publication of which had been improperly suppressed, and of which the public ought to have the benefit.

The most convenient and effectual mode of justifying the non-publication of this Expurgatory List in its present state will be to institute a short examination of it, on the same principles as would be applied to the examination of any other publication; and it is believed that the result of such an examination will be to prove that the work which has been thus put forth to the public at a considerable expense, with the implied sanction of the House of Commons, is to a great extent useless for any practical purpose, and in such a state of imperfection as would make its publication discreditable to any ordinary editor.

It should, however, be distinctly stated at the outset of these observations, that they refer mainly to the impropriety of printing and publishing the work, and are not intended to impute any blame to those who framed it. The justice and necessity of making this distinction will be shown further on; but it is proposed, in the first instance, to examine the work independently of the peculiar circumstances under which it was compiled, with which the public, to whom it is presented without explanation, and consequently with the implied assurance that it is a complete and useful work, have nothing to do.

In examining a publication of this kind, the first question to be asked is, what is its professed object, and what information is it intended to convey? The answer, it is presumed, would be, that it is intended as a book of reference to accompany the Statutes at Large, and that its use is to enable a student, who is desirous of knowing whether any particular enactment is in force or not, to ascertain the fact.

But, on turning to the list, it is immediately apparent, on the one hand, that it contains a large proportion of matter which is of no use whatever for that or any other purpose; and, on the other hand, that for the uses above indicated it is extremely imperfect, and to a certain extent misleading.

First, as to the useless matter. We find in the list a considerable number of acts to which is merely added a statement that they are "local," or a query whether they are "public general acts." This is no more than a statement of their subject-matter, and conveys no information to any one. The whole of these entries are therefore absolutely useless. They are 2468\* in number, and fill about fifty folio pages of print, being one-fifth of the whole work.

There is also a considerable number of acts inserted in the list to which is only added a statement that they are obsolete, or a query whether they are not obsolete. This also conveys no new information respecting those acts. Any one with an act before him can judge for himself whether, from its subject-matter, it is not likely to be enforced in the present day; and that, it should be remembered, is the only sense in which any act can be said to be obsolete. If there is any doubt on the point, the omission or insertion of the act in this list will not solve it. These acts, entered as obsolete, or perhaps obsolete, are 436 in number, filling about nine folio pages.

Again: there is a large number of acts inserted in the list to which is only added a statement that they are expired, or a query whether they are not expired. But it is no information to any one to tell him that an act

\* This and the following statements of numbers are taken from the joint minute by Messrs. Anstey and Rogers, giving an account of the contents of their Expurgatory List, which is printed in the First Report of the late Statute-law Board, p. 109.

of which the subject-matter is temporary, or which is passed for a fixed time only, is expired. That is apparent on the face of the act, or, (as was observed with respect to obsolete acts), if there is any doubt on the point, the statement that there is a doubt will not help to solve it. What a student wants to know with respect to acts originally temporary is, not whether they have expired, but whether they have since been continued or made perpetual. The acts entered as expired, or perhaps expired, amount to 4287, and occupy about 85 folio pages, being more than one-third of the whole bulk of the work.

It appears, then, in the first place, that out of the 12,515\* entries and 248 pages of which this work consists, 7191 entries and 144 pages, or about three-fifths of the whole work, are mere waste of paper and print.

The residue, though by no means without utility, is defective to a most serious extent; and though it may be said, that if a work is useful, it is not just to object that it might have been made more useful with a larger expenditure of money, time, and labour, yet it will be admitted that the public is entitled to expect in every published work, as implied by the act of publication, a certain amount of completeness and fulfilment of its apparent promise; and that, if these be wanting, some discredit must fall upon those who are responsible for causing it to be published.

The parts of this Expurgatory List which now come under consideration are the entries of those acts which have been repealed or superseded by subsequent legislation, with references to the acts by which they are repealed. A chronological list of this kind is undoubtedly useful as a work of reference; but it is hardly necessary to add that its utility must depend in a great measure on the confidence with which it can be used by the public, and that it is not likely that such confidence will be accorded to a work of an evidently incomplete nature.

The imperfections of this list of repealed statutes are—

1. That it includes only those statutes which affect England.
2. That it includes only the acts styled "general," though the distinction between those and others is little more than arbitrary in many cases.
3. That it includes only those acts of which the whole is now repealed, though it is just as important to know whether any given section of an act is repealed or not.
4. That where an act has been repealed by the operation of several acts, there is in many cases no indication of which parts of the repealed act are affected by the several repealing acts mentioned; for instance, a student desirous of knowing whether a particular section of the 23 Geo. 2, c. 26, is in force or not, will find, on turning to this list, that the whole act, in the judgment of the authors, is either expired, or obsolete, or repealed; and if repealed, repealed either by the 14 Geo. 3, c. 91, or by the 6 Geo. 4, c. 125, or by the 7 & 8 Geo. 4, c. 27, or by the 1 & 2 Vict. (local), c. 8, or by the 6 & 7 Vict. c. 73; but which of these statements refers to the section about which he desires information he is left to find out for himself as well as he can.
5. That in the cases (which frequently occur) of an act being repealed in terms, or superseded, by several acts of different epochs, it appears to have been thought sufficient to name any act by force of which the act

under examination may be said to be repealed, though it is evident that it is often important to know when an act was first repealed.

6. That in many instances the references to the repealing acts are so vague as to convey scarcely any information. Thus, in the first page of the list we find it stated that one act is obsolete—"since Will's Act, &c.;" that four others are virtually repealed by "6 Geo. 4, c. 50; 3 & 4 Will. 4, cc. 27, 105; 15 & 16 Vict. c. 76, &c.;" and that another is virtually repealed by "15 & 16 Vict. c. 76, and other law amendment acts;" and in the last page we find that three acts are repealed by "Mr. Wilson's Bill," and that another is expired since some act of the 16 & 17 Vict., without naming the chapter.

7. That a "query" is prefixed to a considerable number of the entries, indicating both that no reliance is to be placed on the particular statement, and that the whole work is in an unfinished condition, and intended to undergo a revision which it has not received.

With respect to the accuracy of the entries in this list, no opinion can properly be ventured on without a much more complete examination of it than has hitherto been attempted; but that it does contain some inaccuracies is certain. The following have been observed in the course of some occasional references to the list:—

- (1). The 4 Edw. 4, c. 8, is stated to be revived in part by the 7 Jac. 1, c. 1. This should be 7 Jac. 1, c. 14.
- (2). The act 7 Jac. 1, c. 14, is entered as obsolete, and it is added in a note, that it "escaped the repeal intended for it by 6 Geo. 4, c. 105," by being there erroneously described as of James the Second. But in the repealing act of George IV, though it is true that it is referred to as an act of the seventh year of James II, yet it comes in its proper chronological place between an act of Elizabeth and an act of Charles II, and it is unequivocally identified by a reference to its subject-matter, the repeal being of "so much of an act passed in the seventh year of the reign of King James II as enacts that no person or persons whatsoever shall send English horns unwrought over the sea;" and it is therefore conceived that the terms of the act 6 Geo. 4, c. 105, are fully sufficient to effect the repeal of the act 7 Jac. 1, c. 14, and that the principle of construction suggested in the list is erroneous.
- (3). The Toleration Act of the 1 Will. & M. st. 1, c. 18, is stated to be either obsolete or virtually repealed by the 52 Geo. 3, c. 155. The propriety of this entry is, however, very questionable. The act in question is generally considered to be still in force for some purposes. The act of 52 Geo. 3, c. 155, though no doubt superseding many of its provisions, refers to it in a way which is rather a confirmation than a repeal, and it is referred to as an act still in force by the 15 & 16 Vict. c. 36. Its 18th section contains a general enactment which does not appear to be altogether superseded by the 12th section of the 52 Geo. 3, c. 155; and moreover, as the last-mentioned act expressly excepts Quakers, it would appear that the whole of the act of William and Mary continues in force with respect to them.

(To be continued).

\* In the joint minute by Messrs. Anstey and Rogers, already referred to, it is stated, (p. 109), that the number of acts in the Expurgatory List is 10,047; but as the list now printed evidently much exceeds that number, it is presumed that the 2468 acts "of a merely local or personal application" were not included in the number of 10,047, though they appear in the list.

The Queen has been pleased to appoint Thomas Chisholm Anstey, Esq., to be her Majesty's Attorney-General for the colony of Hong Kong.

**HENRY WRIGHT**, Narrow-street, Limehouse, dealer and chapman, (carrying on business under the style or firm of Henry Wright & Co.), Oct. 25 at 11, and Nov. 22 at 1, London: Off. Ass. Johnson; Sol. Moss, 86, Queen-street, Cheapside.—Pet. f. Oct. 12.

**JAMES CHOAT**, Bishopsgate-street Within, dealer and chapman, Oct. 29 and Nov. 29 at 2, London: Off. Ass. Bell; Sol. Holt, 13, Chatham-place, Blackfriars.—Pet. f. Oct. 6.

**WILLIAM DIXEY**, Bradwell-near-the-Sea, Essex, inn-keeper, Oct. 22 at 2, and Nov. 27 at 12, London: Off. Ass. Stansfeld; Sols. G. W. Digby, Maldon, Essex; A. Digby, 1, Circus-place, Finsbury.—Pet. f. Oct. 8.

**JOHN FAIRBROTHER**, Hertford, dealer and chapman, Oct. 31 at half-past 2, and Nov. 27 at half-past 11, London: Off. Ass. Stansfeld; Sols. Lawrance & Co., Old Jewry-chambers.—Pet. f. Oct. 16.

**CHARLES ARNOLD**, late of Commercial-road East, cheesemonger, and now of St. Dunstan's-hill, wine merchant, Oct. 24 at half-past 2, and Nov. 27 at 1, London: Off. Ass. Graham; Sol. Chidley, Gresham-street.—Pet. f. Oct. 5.

**WILLIAM HENRY GOODBURN MASON**, Brighton, printseller, Oct. 30 at 11, and Nov. 27 at 12, London: Off. Ass. Stansfeld; Sol. Dupleix, 61, Lincoln's-inn-fields.—Pet. f. Oct. 13.

**JAMES STARKEY**, Old-street, St. Luke's, builder, Oct. 25 at half-past 11, and Nov. 23 at 12, London: Off. Ass. Edwards; Sol. Stopher, 52, Cheapside.—Pet. f. Oct. 12.

**RICHARD JARVIS**, late of Wolverhampton, warehouseman, previously of Burslem, Staffordshire, beerseller, but now a prisoner for debt in the Gaol for the County of Stafford, Oct. 29 and Nov. 19 at half-past 10, Birmingham: Off. Ass. Whitmore; Sols. E. & H. Wright, Birmingham.—Pet. d. Oct. 10.

**HENRY CLARKE**, Church Stretton, Shropshire, seedman, (a prisoner for debt in the Gaol of Shrewsbury), Oct. 31 and Nov. 19 at half-past 10, Birmingham: Off. Ass. Bitleston; Sols. Kough & Son, Shrewsbury; Motteram & Knight, Birmingham.—Pet. d. Oct. 6.

**WALTER BICK**, Gloucester, boot and shoe maker, Oct. 29 and Nov. 27 at 11, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol.—Pet. f. Oct. 6.

**MOSES HINDLE BURROWS and GREVILLE RUDDOCK**, Wakefield, Yorkshire, worsted spinners, Nov. 1 and 30 at 11, Leeds: Off. Ass. Young; Sols. Bond & Barwick, Leeds.—Pet. d. Oct. 12.

#### MEETINGS.

*Joseph Windle Cole*, Birchin-lane, merchant, Oct. 30 at 12, London, last ex.—*David Halket*, Herne Bay, Kent, shipowner, Oct. 31 at 1, London, last ex.—*John Lepton*, Bradford, innkeeper, Nov. 12 at 11, Leeds, last ex.—*Thomas Davies*, Narbeth, Pembrokeshire, leather dealer, Nov. 15 at 11, Bristol, aud. ac.—*Samuel Mayer*, *Elijah Boulton*, and *Spencer Boulton*, Bristol and Nailsea, Somersetshire, and City Basin, Middlesex, potters, Nov. 1 at 11, Bristol, aud. ac.; Nov. 15 at 11, div.—*Richard Fairbourn*, Preston, Lancashire, wholesale grocer, Oct. 26 at 12, Manchester, aud. ac.—*Francis Payuter*, Penzance, Cornwall, attorney, Nov. 1 at 1, Exeter, aud. ac.; Nov. 15 at 1, div.—*Azariah Elwood*, Chard, Somersetshire, money scrivener, Nov. 8 at 1, Exeter, aud. ac.—*John Marley*, Torquay, Devonshire, butcher, Nov. 1 at 1, Exeter, aud. ac.—*Joseph Chave*, Torquay, Devonshire, builder, Nov. 1 at 1, Exeter, aud. ac.—*Matthew Lichegary Dunsford*, Exeter, cutler, Nov. 1 at 1, Exeter, aud. ac.—*William Bartlett Whiteway*, Kingsteignton, Devonshire, miller, Nov. 8 at 1, Exeter, aud. ac.; Nov. 15 at 1, div.—*Henry Ellis Skinner*, Tiverton, Devonshire, saddler, Nov. 8 at 1, Exeter, aud. ac.; Nov. 15 at 1, div.—*William Canute Bodley*, Bonhay, Exeter, brass founder, Nov. 8 at 1, Exeter, aud. ac.; Nov. 15 at 1, div.—*Richard Henry Davie*, Wellington, Somersetshire, money scrivener, Nov. 8 at 1, Exeter, aud. ac.; Nov. 15 at 1, div.—*Thomas Crowden Tiptaft*, Taunton, Somersetshire, druggist's assistant, Nov. 8 at 1, Exeter, aud. ac.; Nov. 15 at 1, div.—*Jose Rickard*, Bosccastle, Cornwall, draper, Nov. 8 at 1, Exeter, aud. ac.; Nov. 15 at 1, div.—*Peter Sharland*, Penzance, Cornwall, tailor, Nov. 8 at 1, Exeter, aud. ac.; Nov. 15 at 1, div.—*William Charles Holland*, Lincoln, grocer, Nov. 14 at 12, Kingston-upon-Hull, aud. ac. and div.—*Den Day*, Watergate, Dewsbury, Yorkshire, carpet manufacturer, Nov. 6 at 12, Leeds, aud. ac.

and div.—*George Armitage*, *John Frankish*, *William Frankish*, and *Thomas Barker*, Sheffield, railway carriage manufacturers, Oct. 27 at 12, Sheffield, aud. ac.—*Thomas Walker*, Edwinstowe, Nottinghamshire, licensed victualler, Oct. 27 at 12, Sheffield, aud. ac.—*James Jones*, Birmingham, tailor, Oct. 27 at 11, Birmingham, aud. ac.; Nov. 8, div.—*Robert Martin* and *David Wardlaw Scott*, Great St. Helens, City, merchants, Nov. 7 at 1, London, div.—*Thomas Toynbee*, Slough, Nottinghamshire, horse dealer, Nov. 7 at 11, London, div.—*Thomas Hutchings*, Park-street, Westminster, and Great Grimsby, Lincolnshire, and Anston, Yorkshire, railway contractor, Nov. 6 at 1, London, div.—*Harriet Townsend*, Charles-street, St. James's, Westminster, poulterer, Nov. 8 at 1, London, div.—*Henry Paine*, Strand and Charing-cross, Middlesex, and Battersea, Surrey, tailor, Nov. 6 at half-past 11, London, div.—*William Holloway*, Milbank-street, Westminster, saddler, Nov. 8 at 12, London, div.—*William Higgins* and *Thomas Higgins*, Old Bond-street, hosiers, Nov. 8 at 12, London, div.—*Samuel Lowe*, Derby, silk manufacturer, Nov. 6 at 10, Nottingham, aud. ac. and div.—*Wm. Holbrook*, Nottingham, joiner, Nov. 6 at 10, Nottingham, aud. ac. and div.—*John Whitmore Jones* and *Thos. Carrier*, Wolverhampton, Staffordshire, hosiers, Nov. 7 at half-past 10, Birmingham, div.—*George Major*, Swindon, Wiltshire, builder, Nov. 8 at 11, Bristol, div.—*Stimson Pitman*, Bath, carpenter, Nov. 15 at 11, Bristol, fin. div.—*Thomas Wilson* and *Henry Corbett*, Madras, East Indies, and Manchester and Preston, merchants, Nov. 8 at 12, Manchester, div. sep. est. of *Henry Corbett*.—*Josiah Snibson*, *Thos. Snibson*, and *William Snibson*, Manchester, wholesale grocers, Nov. 9 at 12, Manchester, div.—*Joshua Crowther* and *William Dickinson* the younger, Manchester, general Manchester warehousemen, Nov. 8 at 12, Manchester, div.—*John Manley*, Manchester, machine maker, Nov. 9 at 12, Manchester, div.—*Hugh Henry Ross*, Liverpool, draper, Nov. 7 at 11, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*William Brown*, Great Russell-street, Covent-garden, linen-draper, Nov. 8 at 2, London.—*Samuel Wm. Partridge* and *Daniel Francis Okey*, Paternoster-row, booksellers, Nov. 7 at 11, London.—*Edward Over*, Barossa-terrace, Cambridge-road, Bethnal-green, colourman, Nov. 7 at 1, London.—*Robt. Brown*, Lime-street, shipbroker, and Port Wallace, Nova Scotia, shipbuilder, Nov. 7 at 1, London.—*Geo. Goodfellow*, Rowell, Northamptonshire, currier, Nov. 7 at 11, London.—*Thomas Chatterton*, Rye, Sussex, baker, Nov. 6 at 1, London.—*Henry Scrase*, Brighton, stonemason, Nov. 6 at 11, London.—*Richard Thomas*, New Windsor, Berkshire, painter, Nov. 8 at 2, London.—*William Cockell*, Battersea, Surrey, licensed victualler, Nov. 8 at half-past 12, London.—*Bailey Sherwood* and *Newman Sherwood*, Belvedere-road, Lambeth, builders, Nov. 8 at 12, London.—*Charles Kelly*, High-street, Kensington, and Baker-street Bazaar, Baker-street, Portman-square, auctioneer, Nov. 8 at 11, London.—*Harriet Townsend*, Charles-street, St. James's, Westminster, poulterer, Nov. 8 at 1, London.—*Henry Oppenheim*, Ramsgate, ship chandler, Nov. 8 at 1, London.—*John Jessup Sewell*, Brighton, apothecary, Nov. 8 at 2, London.—*Wm. Taylor*, Gloucester, general dealer, Nov. 19 at 11, Bristol.—*Wm. Bartlett Whiteway*, Kingsteignton, Devonshire, miller, Nov. 15 at 1, Exeter.—*Charles Henry Wall* and *Christopher Holt*, Sablesbury, near Preston, Lancashire, cotton spinners, Nov. 7 at 12, Manchester.—*John Williams*, Ffynnon Groyw, Llanasa, Flintshire, grocer, Nov. 8 at 11, Liverpool.—*Wm. Farmer*, Birmingham, nail manufacturer, Nov. 8 at half-past 10, Birmingham.—*Jos. Proffitt*, Oldbury, Worcestershire, grocer, Nov. 8 at half-past 10, Birmingham.—*Thomas Read*, Nottingham, builder, Nov. 6 at 10, Birmingham.—*Joseph Atherley*, Mountsorrel, Leicestershire, apothecary, Dec. 18 at 10, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Henry Joseph Pratt*, New Bond-street, trunk maker.—*Edward Patterson*, Birmingham, draper.—*John Henry Bradshaw*, Birmingham, innkeeper.—*John Rollason*, Moxley Ironworks, near Bilston, Staffordshire, ironmaster.

#### PETITION DISMISSED.

*George Welsh Hunter*, Liverpool, ironmonger.

#### PARTNERSHIP DISSOLVED.

*John Peed* and *Geo. Moore Smith*, Whittlesey, Cambridge-shire, attornies-at-law, solicitors, and conveyancers.

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## GAZETTES.—FRIDAY, Oct. 19.

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JOHN JONES, Chester, dealer and chapman, Oct. 31 and Dec. 3 at 11, Liverpool: Off. Ass. Morgan; Sols. Cooper & Sons, Manchester; Dodge, Liverpool.—Pet. f. Sept. 22.

## MEETINGS.

*Joseph Travis*, Green-bridge Cage-mill and Bridge-end, near Newchurch, Lancashire, woollen manufacturer, Oct. 31 at 12, Manchester, last ex.—*J. Rushton*, Carlisle, plasterer, Nov. 6 at 11, Newcastle-upon-Tyne, last ex.; at half-past 11, and ac.—*John Lupton*, (and not *Lepton*, as advertised in last Tuesday's Gazette), Bradford, Yorkshire, innkeeper, Nov. 12 at 11, Leeds, last ex.—*Matthew James Poppewell*, Clement's-lane, and *Robert Goff*, New London-street, merchants, Oct. 31 at 12, London, and ac.—*John Jennings*, Tetbury, Gloucestershire, linendraper, Nov. 8 at 11, Bristol, and ac.—*Hugh Henry Ross*, Liverpool, draper, Oct. 29 at 11, Liverpool, and ac.—*John Augustus Noel*, South Shields, Durham, wine merchant, Nov. 6 at 12, Newcastle-upon-Tyne, and ac.; Nov. 16 at 12, div.—*Samuel Fenn* and *Joseph Fenn*, Birmingham, tailors, Nov. 2 at 11, Birmingham, and ac.—*S. Briggs*, *Wm. Briggs*, and *Abraham Banks*, Keighley, Yorkshire, machine makers, Nov. 13 at 1, Leeds, and ac. and div.—*Joah Carver* and *W. Carver*, Halifax, Yorkshire, machine makers, Nov. 1 at 11, Leeds, and ac.—*Wm. John Watson*, Upper Holloway, builder, Nov. 12 at 2, London, div.—*Thos. Ledyard Bevil* and *Thos. Dowglass*, Vigo-street, cloth manufacturers, Nov. 9 at half-past 11, London, div. joint and sep. ests.—*Samuel Wm. Partridge* and *Daniel Francis Okey*, Paternoster-row, booksellers, Nov. 10 at 1, London, div. joint and sep. ests.—*Wm. Scudds*, Blackheath-park, Blackheath, Kent, livery-stable keeper, Nov. 10 at half-past 1, London, div.—*Henry Lockey Edridge*, Monmouth-road, Bayswater, builder, Nov. 9 at half-past 1, London, div.—*John Mitchell*, Great Bourton, Oxfordshire, railway contractor, Nov. 10 at half-past 11, London, div.—*Pemle Browne*, Grosvenor-street, Bond-street, and Charlton, Kent, wine merchant, Nov. 10 at half-past 11, London, div.—*Andrew Burn*, Sackville-street, Piccadilly, and Caroline-place, Pancras-vale, tailor, Nov. 10 at 12, London, div.—*John Abraham Rippon*, Lowthcotts, Wellington-road, Camberwell, cigar manufacturer, Nov. 10 at half-past 11, London, div.—*Thos. Kerley Senior*, Ichen Ferry, Southampton, butcher, Nov. 10 at half-past 12, London, div.—*Isaac Wm. Walton*, Haymarket, hotel keeper, Nov. 9 at 12, London, div.—*Antoni Forrer*, Regent-street, jeweller, Nov. 9 at 11, London, div.—*Wm. George Brown*, Dartford, Kent, clothier, Nov. 9 at half-past 11, London, div.—*Edward Over*, Barossa-terrace, Cambridge-road, Bethnal-green, Nov. 9 at 2, London, div.—*Wm. Epworth Tuke*, Mark-lane, wine broker, Nov. 9 at 1, London, div.—*Charles Christie*, Vauxhall-walk and Broad-street, Lambeth, timber merchant, Nov. 9 at 2, London, div.—*W. Sheldrake Francis Sparks*, New Bond-street, waterproofer, Nov. 9 at 12, London, div.—*Jas. Harris*, Old Shot Tower-wharf, Commercial-

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## THE JURIST.

LONDON, OCTOBER 27, 1865.

THE most interesting branch of jurisprudence is that which relates to the law of evidence, especially under the new system, beginning in the reign of William IV, by the abolition of objections to the competency of witnesses on the ground of interest or of crime, and proceeding to the later measures for compelling, in most cases, the testimony not only of parties to the suit, but also of their wives. Among the recent illustrations of this system must be ranked the well-known case of *Boyle v. Wiseman*, (1 Jur., N. S., part 1, pp. 115, 894).

That was an action for a libel published in France in *The Univers* newspaper. On the occasion of the first trial, a witness for the plaintiff, in order to prove publication, deposed that he saw at Paris, in the hands of the Abbé Cognat, a letter in the handwriting of the defendant; that he asked for the letter to bring it to England, which the Abbé refused, but the witness was prepared to give the contents from memory. The plaintiff's counsel thereupon proposed to give secondary evidence of the contents of the letter, which was supposed to contain an admission by the defendant that he was the author of the libel in question, but it was rejected. The plaintiff's counsel then called the defendant himself as a witness, but his counsel objected to his being examined, on the ground that he might be asked questions tending to criminate him. The judge asked

the plaintiff's counsel what questions he intended to ask the witness, which the latter refused to disclose, insisting on his right to put the defendant in the box. The judge ruled that he was not entitled to do so, and thereupon the plaintiff was nonsuited. The Court of Exchequer, however, held that the plaintiff's counsel had a right to insist upon the defendant being sworn, and that if the questions afterwards put to him had a tendency to criminate him, the objection to answer must be taken by the party himself upon oath\*. They further held that the improper rejection of the witness was ground for a new trial, and granted one accordingly. With regard to the other and more important question raised upon the facts, namely, whether secondary evidence is receivable of a private document in the possession of a person beyond the jurisdiction of the Court, who refuses to produce it, the Court said that it was one of first impression, but intimated a strong opinion that it is admissible. The principle upon which secondary evidence is admitted or rejected was thus lucidly stated by Parke, B.:—“If you offer inferior evidence without accounting for the absence of the primary, a presumption of law arises that there is something in the original document which makes against you. The law, therefore, requires you to make all reasonable efforts to procure the original; but if you shew that you have exhausted them in vain, and that it is

\* See *Osborn v. The London Dock Company*, (10 Exch. 698; S. C., 1 Jur., N. S., part 1, p. 93), in which it was held that an objection to answer interrogatories, upon the ground of their criminating tendency, must come upon oath from the party interrogated, and not from his attorney.



unattainable, you may then give secondary evidence. On this principle secondary evidence is received of the handwriting of an attesting witness, if you have first made reasonable efforts to find him\*. Now, surely you can give secondary evidence of a document which, being in a foreign country, cannot be procured by subpoena, provided you use every reasonable effort to get it." The Court, however, were clearly of opinion that this proviso had not been complied with, and that the demand of the document made by a stranger to the cause, who did not even disclose his object in making it, was insufficient for the purpose of letting in secondary evidence.

Upon the second trial it was proved that the Abbé Cognat refused to attend with the document, or to give it up for the purpose of its being produced at the trial. The witness was then desired by the plaintiff's counsel to state the contents from memory, upon which the defendant's counsel interposed, and handing a document to the witness, asked him if that was the letter which he had seen. The witness answered, that if it was the original, it had been altered in some respects; whereupon the defendant's counsel proposed at once to adduce evidence in order to shew that it was the true original, and ought to be received in evidence, to the exclusion of secondary evidence from the witness. This, however, the judge refused to allow at that stage of the proceedings, saying that the defendant might if he pleased give that document in evidence when he came to his own case. Such evidence, however, was not given, and the jury found for the plaintiff.

Again, the Court of Exchequer held that there had been a miscarriage of justice, and that as all preliminary questions of fact, on which the admissibility of evidence depends, must be decided by the judge, and not by the jury, the judge was bound to decide the collateral question, whether the document was original or not, and reject or receive the secondary evidence accordingly.

It was also held that sufficient evidence had now been given to let in parol proof of the contents of the document, if it had not been produced.

The cause stood for trial a third time at the last assizes, but was settled by arrangement between the parties.

We have thus narrated the legal history of this case, and it will be seen that the following propositions may be deduced from it:—

1. All preliminary questions of fact, on which the admissibility of evidence depends, must be decided by the judge, and not by the jury.

2. Where secondary evidence of the contents of a document is duly tendered, and a document is produced by the other party and alleged to be the original, the judge should decide whether it is the original or not, and if he ascertains it to be the former, he should reject the secondary evidence.

3. In order to render secondary evidence of a private document admissible, it is necessary and sufficient to shew that all reasonable efforts have been made to procure the original.

\* It is now no longer necessary to call an attesting witness to a document, unless it is one which the law requires to be attested. (17 & 18 Vict. c. 125, s. 26).

4. Where a private document is in the possession of a person beyond the jurisdiction of the Court, who refuses to produce it after a proper demand, and a disclosure of the object for which the demand is made, secondary evidence is receivable.

5. Objections founded upon the self-contradictory tendency of an examination do not affect the competency of the witness, but must come from him after he has been sworn.

6. The improper rejection of a witness is ground for a new trial.

## THE TICKET-OF-LEAVE SYSTEM.

THE following letter from Colonel Jebb has appeared in *The Times*:—

Sir,—The release of convicts on license appears to have caused so much apprehension in the public mind, that, unwilling as I am to intrude upon your columns, I would venture to beg the favour of a small space, in order to afford a few needful explanations on the subject.

I am induced to do this from a sense of duty, not only to the convicts themselves, whose means of obtaining employment have been seriously prejudiced by the adverse opinions which have been expressed, but in the belief that a plain statement, supported by facts, may lead to more just and favourable views.

I am encouraged to hope for this result from a conviction that the want of accurate information has been the cause of the misapprehension which exists.

The act which abolished transportation for terms under fourteen years was passed in 1853. There were in the different convict prisons in England at that time upwards of 6000 convicts under sentences of transportation for seven and ten years. It had previously been determined that no more convicts should be sent to Van Diemen's Land, and it was known that the small colony of Western Australia could only receive a small proportion of them. Hence arose the question what was to be done with them.

It must be remembered that these men had not been sentenced to imprisonment, but to transportation, and that the commutation of the one sentence into the other was no new thing, but had long been a recognised practice. Until within a very recent period almost every convict who received a sentence of seven years' transportation was, as a matter of course, sent to the hulks, whence he was released with a free pardon at the expiration of one-half of his sentence.

In the years from 1843 to 1847 there were released no less than 3450 under such a commutation. Now, the difference between the practice which obtained at that time and the system which has been established for carrying out the provisions of the 13 & 14 Vict. is this—that instead of giving the men a free pardon at the expiration of about half their time, they receive only a revocable pardon, which, in the terms of the act, is called a license, and is popularly designated a ticket of leave.

No one acquainted with the circumstances will contend for a moment that these men should have been kept in prison, as a general rule, during the whole term to which they had been sentenced to transportation. The feeling of Parliament and of the highest authorities of the law on this point is conclusively shewn in the periods of penal servitude set forth in the act as substitutes for the sentences of transportation. For example, the ordinary minimum term of transportation was seven years, which is represented in the new act by a minimum of four years' penal servitude, and so on.

From these considerations it will be apparent, that if the Government had not the means of carrying into

effect the sentences which had been passed upon the men referred to, and that they had completed such a period in prison as could, under all circumstances, be fairly considered an equivalent or a commutation of their original sentences, they were justly entitled to their liberty.

After due consideration of the existing regulations, and the hopes and expectations which had been held out of certain remissions of the period of detention in this country as a reward for industry and exemplary conduct, it was determined by the Secretary of State that a convict under sentence of seven years' transportation, whose conduct had been exemplary during the whole period of his confinement, should be eligible for release on license at the expiration of three years; and a convict under sentence of ten years' transportation should, under like conditions, be eligible in the minimum period of four years.

This decision was generally regarded by the convicts with more distaste than if the original sentence had been left to take its course; for in addition to a longer period of imprisonment, they were to remain under the restrictions of a license for the whole term to which they had been transported.

It may be said that the former plan of getting rid of them entirely was better; but it has already been shewn that, under the exigency of the colonies suddenly refusing to receive more, there was no alternative but to release them at home; and the only question, as far as the convicts are concerned, now is, whether it would have been just and proper to have broken faith with them entirely, by subjecting them to imprisonment during a term which they had been led to expect they should pass with a ticket of leave in one of the colonies, or to have released them after such a term of confinement as was a fair commutation of their sentences.

The following statement of the numbers already released on license would, I fear, be calculated to increase the alarm which has been felt, if it did not at the same time tend to induce the belief, if not to prove, that a large proportion of them have, through their own exertions and the benevolent assistance which I thankfully acknowledge they have received, entered upon an honest course of industry:—

Between the 8th October, 1853, and the present date there have been released on license 3620, leaving only about 2000 of the original number now in England to be so released when they become eligible.

As regards sentences of penal servitude, it has been already explained that the terms mentioned in the act being in the nature of a commutation of corresponding terms of transportation, there does not exist the same, nor indeed any, necessity why they should not be as fully carried out as any other sentences of imprisonment.

It is certainly indispensable, in any system of moral discipline, to hold out encouragement to good conduct; and though there may be no boon which can be offered as equivalent to a remission of the period of detention, it will, I trust, yet be possible to find some sufficient inducement to good behaviour and willing industry, the Secretary of State having determined, that, as a general rule, every convict shall serve out the whole period of his sentence of penal servitude.

After the release, therefore, of the remainder of those who were under sentences for the shorter terms of transportation at the time when the act passed, its provisions, in regard to release on license, will be practically almost a dead letter.

In adverting to the conduct of those who have already been released on license, I may regret, in common with others interested in their fate, that so many cases of relapse into crime have occurred; but if there be matter for surprise, it is the very small proportion that have done so. These men are entitled to a fair

consideration of the circumstances in which they have been placed. However good may have been the resolutions they may have formed during their confinement, or however much they may have dreaded being again within the grasp of the law, what were they to do if on their discharge every man's hand was against them, and they were unable to find the means of earning an honest livelihood? Many instances have occurred where a relapse into crime has arisen from the great difficulties they have had to encounter in their search after employment.

I have already stated that 3620 men have been released. Of these only 90 licenses, or about 2½ per cent., have been revoked. This, however, does not represent the number who have been convicted of crime.

With a view to obtain information on this point the Secretary of State addressed a circular, dated the 15th February, to the visiting magistrates of all gaols, requesting them to take measures for insuring the transmission to the Home Office of a report of every case of the recommittal of a license-holder to prison, stating the nature of the charge, &c. The total number of convictions up to the 8th August, 1855, was 97, as shewn in a return presented to the House of Lords; and the number of such reports received up to the present date, including the 97 before mentioned, does not exceed 130. Among these are included the licenses revoked.

Though these returns do not probably contain all that might be brought against the holders of licenses as a class, I believe that a more rigid investigation would establish the fact that a far greater number than might have been generally anticipated are doing well for themselves.

With reference to this point the information obtained by the governors and chaplains of prisons concerning the men who have been under their charge has, on the whole, been very favourable. The best data on which they have been enabled to form an opinion have been the applications for the balance of gratuities due to them, made by the men three months after their discharge, which will be admitted to have been the period of their greatest difficulties and trials. In order to obtain this balance it is necessary they should shew, to the satisfaction of the authorities, that they are observing the conditions of their licenses, and are employed. This application is required to be backed by a magistrate, clergyman, or other person on whom reliance can be placed.

The following is a return of the nature of the information received of convicts who have thus applied for the balance of their gratuities from the 30th June, 1854, to the 30th June, 1855:—

Name of Prison.	Total Number who have applied.	Satisfactory.	Unsatisfactory.	From whom.					
				Clergymen.	Magistrates.	Military or Naval Officers.	Police.	Relatives.	Others.
Portland .....	205	205	nil.	118	55	—	3	—	32
Portsmouth ....	182	178	4	132	29	3	—	—	6
Dartmoor .....	193	193	nil.	159	23	2	2	3	2
Stirling Castle									
Hulk .....	6	6	—	6	—	—	—	—	—
Warrior Hulk ..	26	26	—	17	9	—	—	—	—
Defence Hulk ..	78	76	2	49	12	—	—	15	2
	690	684	6	481	128	5	5	227	42

*Note.*—The total number who had left a balance in the hands of the Governors was 960; 270 therefore had not applied at the date of this return, the larger portion of whom had not been discharged the regulated period.

I may add, that hundreds of letters have been received confirmatory of the foregoing statements.

In my report dated the 27th June, 1854, I thus expressed my opinion:—

“When a case of a return to crime on the part of the holder of a license occurs it naturally attracts attention, and the public, who are not generally aware of all the circumstances, are disposed to judge of the rule by the exceptions; but the true view will only be obtained by looking closely to the results as a whole.

“In arguing the question many might be disposed to admit, that if 75 or 80 per cent. of those who are released on order of license do well for themselves, there would be no great cause for alarm. As far as present experience goes, there is reason to hope that a much more favourable result will be realised, and I confess I shall be disappointed if it be otherwise.”

I see no reason to change the opinion expressed at that time; and when it is considered that the annual average of re-committed prisoners to common gaols is between 30 and 40 per cent., and in some prisons in a much higher ratio, I think it may be fairly stated that the corrective discipline and industrial training of the convict prisons has been attended with marked success.

It would be too much to expect of human nature, or of human institutions designed for effecting reformation, that any great proportion of the convicts are reformed in the strict and religious acceptance of the term. It will be enough that they be fairly judged by the standard applied to others.

Had I not already trespassed upon your space at far greater length than I intended, I would have entered into some explanations on the course of discipline to which the convicts are subjected; but I must refer any who are interested in the subject to my printed reports, in which every detail appears.

A consideration of the system or an inspection of the prisons would, I think, lead any one to the conclusion, that years of patient, persevering industry, of regularity, cleanliness, and obedience, daily attendance at chapel, and the zealous efforts of the governors, chaplains, and other officers of the different prisons, coupled with just and considerate treatment, cannot fail to have some good effect on the habits and feelings of the great body of men who have been subjected to it.

I will add, in conclusion, that the experience of all who have the best opportunities of judging will, I am satisfied, coincide with the opinion of the committee of the House of Commons, 1850, as expressed in one of their resolutions:—

“That the committee concurs with some of the most experienced witnesses they have examined in the opinion that a great majority of convicted prisoners are open to the same good motives and good impulses which influence other human beings.”

I am, Sir,

Your obedient servant,

J. JEBB, Colonel,

Chairman of the Directors of Convict Prisons.

To which Mr. Serjeant Adams has sent the following reply:—

Sir,—The name of Colonel Jebb at all times commands respect, and especially so in all that regards prison discipline; but the result of my experience of the working of the ticket-of-leave system is so at variance with his views upon the subject that I trust you will afford me space in your columns for a short analysis of the evidence upon which he seems to found them. He rests his case upon the returns laid before the House of Lords in 1854 and 1855. One of his main arguments is grounded on the fact, that one-half of the gratuity to which a convict is entitled is not payable until after the expiration of three months from the date of his discharge—“a time,” he adds, “which will be

admitted to have been the period of his greatest difficulties and trials”—and then only on a certificate of good conduct, and that it rarely occurs that such certificate is not obtained. Now, in the return referred to by him it is stated, that “of 960 convicts released during the year ended the 30th June, 1855, 690 had made application at the end of the stipulated period for the balance of the gratuity, and that 684 of the number produced satisfactory testimonials of their good conduct;” and that “of the 270 who had not applied, the greater portion had not been at large the regulated period.” Now, instead of 960 being the number discharged in that year, the number must have been upwards of 2000, for it appears by two other returns laid before the House in July, 1854, and March, 1855, that 1537 convicts had been discharged in the first nine months of such year, of whom 1513 were entitled to gratuities. It is impossible to place any reliance upon returns so loosely made out; but passing by this difficulty, the returns prove too much, and shew nothing but the facility with which certificates of good conduct are obtained. Upwards of 2000 convicts are discharged: of these upwards of 1700 have received the whole amount of their gratuities, while four only have failed in their applications; and of the remaining 270 the greater portion (and I believe, if the returns could be thoroughly sifted, it would be found that nearly the whole number) have not applied, simply because the time for application has not arrived. Take, for example, the two prisoners tried before me for housebreaking on Monday last: both were cases of recent discharge; both obtained the requisite certificates from clergymen—one of them actually within less than a month of the day on which he committed the robbery of which he has now been convicted. Is it possible more strongly to demonstrate that the certificate is a mere form? Imagine, if you can, 2000 convicts let loose, and 1996 of them immediately becoming honest men!

Colonel Jebb next states, that, “with a view to obtain information as to reconversions of ticket-of-leave men, the Secretary of State addressed a circular, in February last, to the visiting magistrates of all gaols requesting them to take measures for insuring the transmission to the Home Office of a report in every case of the recommittal of a license-holder to prison, stating the nature of the charge, &c.; and that the total number of convictions to the 8th August, 1855, (as appears by a return to the House of Lords), was ninety-seven;” and he infers the well working of the system from the paucity of these convictions. Now, upon examination, this return proves to be more unsatisfactory—I would almost say more delusive—than the last. Unfortunately, it omits to state the gaols from which the returns are made; but it is self-evident, when analysed, that they must be from rural districts, and can relate only to prisoners not previously convicted of serious offences; as, for example, (I quote from the returns), of stealing “a pork pie,” or “a duck,” or “a rabbit,” and the like. Eleven of the ninety-seven convictions are for offences against the Vagrant Act, eleven more for assaults, three for offences against the game laws, one for wilful damage, one for using obscene language, one for desertion from the militia, and fifty-three for common larcenies, leaving only eleven cases of convictions of a heavier character. It is quite idle to suppose that such a return affords the slightest illustration of the real working of a system which brings within its operation some thousands of offenders, and among them all the most hardened and desperate of the criminal population. I find no returns have been made from the Middlesex prisons, and the reason assigned by the governor is, that he does not feel himself warranted to make returns upon suspicion only. I entertain no doubt that the number of ticket-of-leave men who have passed through Coldbath-fields alone greatly exceeds the whole

number supposed to have been reconvicted in the whole kingdom. I would also add, that, exercising the utmost diligence, it would be impossible, in the metropolitan or any thickly-populated district, to make any reports, according to the requisitions of that letter, which would even approximate to correctness. It would be necessary, not only that the convicts should always resume their trade in their old haunts, and be imprisoned in the same gaols, but that the warders should remain unchanged, and also possess the rare power of remembering and identifying these ticket-of-leave men after an absence of many years, and when many thousand prisoners annually pass through their gaols. The truth is, that while the police courts, and the courts of quarter sessions, and the assizes are continually producing proofs of "the unmitigated curse" (to use your own words) of the system as administered, the evidence in its favour is, when sifted, as dust in the balance; and I add, as a concluding proof of the truth of this assertion, the return of the Secretary of State to that part of the order of the House of Lords which called for a return of the "number of convicts with tickets of leave who are known by the authorities to be now in employment, or conducting themselves properly." His emphatic reply was as follows:—"The Secretary of State is not in possession of any sufficient information upon this point to enable him to make the required return."

It was my intention to have added some observations upon the future working of the system, or rather of the ultimate consequences to the community of the present system of secondary punishment—namely, penal servitude; but my letter is, I fear, already unreasonably long.

Your obedient servant,

JOHN ADAMS.

Oct. 19.

## CONSOLIDATION OF THE STATUTE LAW.

### EXTRACTS FROM THE APPENDIX TO THE REPORT OF THE COMMISSIONERS.

(Continued from p. 408).

- (4). The 4 Will. & M. c. 2, is entered as either expired, obsolete, or repealed, with a reference to the 7 Will. 4 & 1 Vict. c. 26, ss. 1, 83, and with a "query" prefixed to the whole. This act is neither expired, obsolete, or repealed. It is a partial repeal of the custom of York as to personalty, with the exception of the cities of York and Chester, and is now in full force, except that the exception as to the city of York has been repealed by the 2 & 3 Ann. c. 5. The 7 Will. 4 & 1 Vict. c. 26, (the Wills Act), does not in any way affect this act, and moreover contains only thirty-six sections, so that the reference to sect. 83 is an error.
- (5). The 2 & 3 Ann. c. 5, just mentioned as being a repeal of the exception in the 4 Will. & M. c. 2, so far as relates to the city of York, is stated to be an act about "supply and customs duties," and to be expired or obsolete.
- (6). The 8 Ann. c. 11, (c. 6 of the quarto edition), is said to be expired, or virtually repealed by the 6 Geo. 4, c. 106. It is not, however, a temporary act, nor does it appear to be repealed by the act referred to.
- (7). Of the 6 Geo. 4, c. 43, it is stated that an unsuccessful attempt was made to repeal it by the 14 & 15 Vict. c. 92, s. 26. The reason why that attempt was said to be unsuccessful is, that it is misdescribed as an act "of the fifth year of the reign of King George the Third." This is not accurate; it is referred

to as an act of the fifth year of the reign of King George the Fourth; and as the number of the chapter is correctly given, and also the title at full length, it is conceived that the terms of the 14 & 15 Vict. c. 92, are a clear repeal. (See the observations already made as to the 7 Jac. 1, c. 14).

- (8). The 1 Geo. 3, c. 21, is said to be virtually repealed by the 58 Geo. 3, c. 75; and a note is added, that "the repeal of it was intended by the 15 Geo. 3, c. 54, but the error of a date (3 Geo. 3 for 1 Geo. 3) defeated the intention." As this act relates exclusively to Scotland, it ought not to have been inserted in the list at all; but passing over this objection, which is not of much consequence, it is to be observed, first, that the reference in the note to the 15 Geo. 3, c. 54, is an error—it should be 13 Geo. 3; secondly, that the principle of construction assumed in the note is erroneous, as in the two other cases already mentioned, the title of the act being given at full length; and, thirdly, that the 58 Geo. 3, c. 75, which inflicts penalties on *buying* game only, cannot be said to be a repeal of an act which inflicts penalties on *killing or selling* game, which the 1 Geo. 3, c. 21, does. Moreover, the terms used in the 58 Geo. 3, c. 75, raise a doubt whether it extends to Scotland at all.

It must, however, be admitted, that as no systematic examination of the list has been attempted, and as the instances in which any of the entries have been tested have been but few, sufficient materials have not been collected to justify any inference as to the average accuracy of the whole work.

At the commencement of this paper it was observed, that it was the act of printing and publishing the list in question that was open to so much objection, and that there was no intention of imputing blame to those who compiled it. The following short account of the circumstances under which the list was prepared will shew the necessity and justice of making this distinction.

Soon after the Statute-law Board of 1853 first met, Messrs. Anstey and Rogers proposed, that among other works for the improvement of the statute law there should be passed through Parliament a general repealing act of all the statutes which have ceased to be in force, for the purpose of clearing the Statute-book of unnecessary matter. At a later period I thought it my duty as chief commissioner to advise the Lord Chancellor to abandon the project of passing such an act, (Second Report of the late Board, 1854); but when it was first proposed, seeing that Messrs. Anstey and Rogers were anxious to prepare such a work, and thinking that it would be a useful one for reference, at any rate, whether made the foundation of a general act or not, I authorised them to proceed with it; and accordingly those gentlemen commenced their examination of the statutes, and in the short space of three months completed the list, which has now been printed by the direction of the House of Commons.

For reasons into which it is not necessary to enter, it was deemed advisable that this list should include only the "public general acts" relating to England, and only those acts of which the *whole* was no longer in force; and Messrs. Anstey and Rogers were instructed to prepare their list on that footing.

It was subject to these instructions, and with reference to, and for the purposes of, their proposal to have a general declaratory act to "clear the Statute-book" repealing all acts which are not now wanted, whether already repealed or not, (or, if not that, at least to have a new edition of the statutes, omitting all acts

not now wanted), that Messrs. Anstey and Rogers entered on their task; and if these facts are borne in mind, it will be perceived that most of the reasons which have been adduced to shew that the work as now published is to a great extent useless, and at best very defective, imply no reproach to those gentlemen.

In the first place, the list in its present form is merely a first draft, requiring, and intended to receive, a complete revision before being put forth as fit for use. This they distinctly announced in their joint minute of the 25th July, 1853, (printed in the First Report of the late Statute-law Board). "It is obvious," they said, "that so extensive a list, prepared in less than three months, will require a careful revision by a fresh hand." This fact at once relieves them from any blame in respect of many of the objections urged against the list. Their instructions being to confine themselves to "public general" acts, it was natural and proper that when dealing with the period before the modern division of "general" and "local and personal" acts into distinct series, they should notice, for the purpose of obtaining further directions, all those acts which would now probably be termed local or personal acts; though to print these queries in a list professing to be a work of reference for general use was evidently useless. The same consideration is a sufficient excuse for the numerous entries to which a "query," or other expression of uncertainty, is attached; and also makes it unjust to find fault even with such positive inaccuracies as may be detected in a work executed in so short a time, and which certainly shews, generally speaking, a remarkably extensive acquaintance with the contents of the Statute-book.

These considerations also justify the insertion of the expired and obsolete statutes, which (as has been shewn) it was useless to insert in a work of reference. The framers of the list conceived that they were preparing for a particular purpose, quite different from that to which it has now been applied, a list of all the acts which for any reason are defunct, including those which, if not hitherto distinctly repealed, ought to be repealed.

So with regard to the objection that the list does not always indicate, in the case of repealed acts, the period when they were first repealed, the above-mentioned circumstances exonerate the framers of the list. For their purpose it was only necessary to make it apparent that the act in question had ceased to be in force somehow, so as to justify its insertion in the list.

The foregoing comments will, I hope, have shewn that the non-publication of this list in its present form by the late Board, or by the present Commission, was no unfair suppression, but the exercise of a proper discretion; and that if either of those Boards had caused it to be published, they would have been deservedly exposed to the charge of having wasted a considerable amount of public money in producing a work so crude and so imperfect as to justify the public in refusing to place any confidence in their future labours. What indeed could be said in defence of the publication of a work of which the authors themselves (in their joint minute already quoted) said, "it is obvious that so extensive a list, prepared in less than three months, will require a careful revision by a fresh hand;" and in a subsequent passage, "we have already remarked that the Expurgatory List is still under revision?" If it be objected that such revision and completion ought to have been effected, I need only remind the Board that a proposal for doing so was submitted to them by me on the 13th December last, and that although they determined to abandon the attempt for the present, that determination was not arrived at without sufficient reasons, and was indeed partly founded on considerations suggested to them with candour by Mr.

Anstey himself, in the letter printed in the same paper as my proposals.

With respect to the scheme for a general declaratory repealing act, originally contemplated by Messrs. Anstey and Rogers, and now revived by the resolutions of which Mr. Locke King has given notice, the following are the reasons which in the Second Report of the late Board (1854) were adduced by me against its adoption:—

"There is another view connected with the revision of the statutes which I think it right to notice, as it has been, and I believe still is, entertained by two of my colleagues, and probably is entertained by many other persons, namely, that it is the duty of Parliament, if not itself to republish all those acts which are to remain in force, at least to give assistance to any editor who now wishes to make a new edition of the living law, by passing a comprehensive statute, enumerating every one of the laws already repealed, expired, or otherwise not in force, and once more declaring or enacting them to be repealed. With every respect for those who hold this opinion, I must say that I think an act of this description is quite out of the question, and that for many reasons, some of principle and others practical; they are briefly these:—1. That to ask the Legislature to repeal what is not the law at all is futile, and asking it to do what is no part of its office. 2. That if passed, such an act would not, after all, be of much practical use, and the points in which it would be most useful would be better provided for in the course of consolidation, as I shall endeavour to shew further on. 3. That the benefit (which has been much insisted on) of having a chronological list of all the statutes not in force would only endure for a single session, for the repeals of the next session would not appear in their chronological places. 4. A very great number of the defunct acts of Parliament are of such a nature that it is not proper to declare either that they are repealed or expired; the only proper course is to let them alone. Such are all acts which are the foundations of rights or titles to which it has long ceased to be necessary to appeal, but which nevertheless cannot be declared repealed, which would be equivalent (in many cases) to enacting the *contrary*. The proposed act would therefore, in a great degree, fail in its object, for it would necessarily leave untouched a vast mass of statutes which no editor would think it necessary to reprint, but which nevertheless are not so absolutely annulled that the Legislature itself may declare them to be for all purposes extinct, as if they had never been. It may be observed that it is not reasonable or natural to *repeal* any act of a temporary nature, unless it is intended to shorten the original term fixed for its duration; or to repeal any of those acts which, though not expressly limited as to duration, were passed to effect an end which has been effected, unless it is intended to reverse what has been done under them. There is an essential difference between the repeal and the expiration of an act. A repeal implies a change; the expiration of a temporary enactment is no change, but belongs to its original condition. It is therefore absolutely incorrect in principle to repeal an expired act; it is also nugatory, for the repeal can only mean that the act is not to be in force if the conditions of its existence have terminated—which is a truism, and no assistance to any one; or else that it is not to be in force whether the conditions of its existence have terminated or not—which is not what is intended. It will be said that the proposed general clearing statute is not a repeal, but only a declaration by the Legislature that the acts have expired. But what can that mean? The statute must have some legislative force, or none. If none, what is the use of it? If any, it must be a repeal. If, however, there be a doubt as to whe-

ther the statute has expired or not, then on revision it is fitting that this doubt should be solved.

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in force, but is an historical collection of the alterations which have been made in the law during the last six centuries, and there is no such thing possible as "clearing the Statute-book of unnecessary matter."

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The work being thus already in existence, and requiring, as I then understood from Mr. Coode, only what is commonly implied by "revision of the press," I considered that it would be useful to print it with the First Report of the Board, as a specimen of an elaborate mode of digesting the law on a somewhat peculiar principle; and for that purpose Mr. Coode distinctly undertook to revise and complete it in time for the First Report, which, as Mr. Coode was well aware, the Lord Chancellor was very desirous to have published before the end of the session of 1853.

(To be continued).

## Court Papers.

### COMMON-LAW SITTINGS, IN AND AFTER MICHAELMAS TERM, 1855.

#### Court of Queen's Bench.

##### In Term.

##### MIDDLESEX.

1st sitting .. Monday, Nov. 5  
2nd sitting .. Wednesday .. 14  
3rd sitting .. Thursday .... 22  
For undefended causes only.

##### LONDON.

1st sitting, Monday .. Nov. 12  
2nd sitting, Monday ..... 19

##### After Term.

Tuesday ..... Nov. 27 | Monday ..... Dec. 10

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Court of Common Pleas.

##### In Term.

##### MIDDLESEX.

Thursday ..... Nov. 8  
Thursday ..... 15

##### LONDON.

Monday ..... Nov. 12  
Monday ..... 19



not now wanted), that Messrs. Anstey and Rogers entered on their task; and if these facts are borne in mind, it will be perceived that most of the reasons which have been adduced to shew that the work as now published is to a great extent useless, and at best very defective, imply no reproach to those gentlemen.

In the first place, the list in its present form is merely a first draft, requiring, and intended to receive, a complete revision before being put forth as fit for use. This they distinctly announced in their joint minute of the 25th July, 1853, (printed in the First Report of the late Statute-law Board). "It is obvious," they said, "that so extensive a list, prepared in less than three months, will require a careful revision by a fresh hand." This fact at once relieves them from any blame in respect of many of the objections urged against the list. Their instructions being to confine themselves to "public general" acts, it was natural and proper that when dealing with the period before the modern division of "general" and "local and personal" acts into distinct series, they should notice, for the purpose of obtaining further directions, all those acts which would now probably be termed local or personal acts; though to print these queries in a list professing to be a work of reference for general use was evidently useless. The same consideration is a sufficient excuse for the numerous entries to which a "query," or other expression of uncertainty, is attached; and also makes it unjust to find fault even with such positive inaccuracies as may be detected in a work executed in so short a time, and which certainly shews, generally speaking, a remarkably extensive acquaintance with the contents of the Statute-book.

These considerations also justify the insertion of the expired and obsolete statutes, which (as has been shewn) it was useless to insert in a work of reference. The framers of the list conceived that they were preparing for a particular purpose, quite different from that to which it has now been applied, a list of all the acts which for any reason are defunct, including those which, if not hitherto distinctly repealed, ought to be repealed.

So with regard to the objection that the list does not always indicate, in the case of repealed acts, the period when they were *first* repealed, the above-mentioned circumstances exonerate the framers of the list. For their purpose it was only necessary to make it apparent that the act in question had ceased to be in force somehow, so as to justify its insertion in the list.

The foregoing comments will, I hope, have shewn that the non-publication of this list in its present form by the late Board, or by the present Commission, was no unfair suppression, but the exercise of a proper discretion; and that if either of those Boards had caused it to be published, they would have been deservedly exposed to the charge of having wasted a considerable amount of public money in producing a work so crude and so imperfect as to justify the public in refusing to place any confidence in their future labours. What indeed could be said in defence of the publication of a work of which the authors themselves (in their joint minute already quoted) said, "it is obvious that so extensive a list, prepared in less than three months, will require a careful revision by a fresh hand;" and in a subsequent passage, "we have already remarked that the Expurgatory List is still under revision?" If it be objected that such revision and completion ought to have been effected, I need only remind the Board that a proposal for doing so was submitted to them by me on the 13th December last, and that although they determined to abandon the attempt for the present, that determination was not arrived at without sufficient reasons, and was indeed partly founded on considerations suggested to them with candour by Mr.

Anstey himself, in the letter printed in the same paper as my proposals.

With respect to the scheme for a general declaratory repealing act, originally contemplated by Messrs. Anstey and Rogers, and now revived by the resolutions of which Mr. Locke King has given notice, the following are the reasons which in the Second Report of the late Board (1854) were adduced by me against its adoption:—

"There is another view connected with the revision of the statutes which I think it right to notice, as it has been, and I believe still is, entertained by two of my colleagues, and probably is entertained by many other persons, namely, that it is the duty of Parliament, if not itself to republish all those acts which are to remain in force, at least to give assistance to any editor who now wishes to make a new edition of the living law, by passing a comprehensive statute, enumerating every one of the laws already repealed, expired, or otherwise not in force, and once more declaring or enacting them to be repealed. With every respect for those who hold this opinion, I must say that I think an act of this description is quite out of the question, and that for many reasons, some of principle and others practical; they are briefly these:—1. That to ask the Legislature to repeal what is not the law at all is futile, and asking it to do what is no part of its office. 2. That if passed, such an act would not, after all, be of much practical use, and the points in which it would be most useful would be better provided for in the course of consolidation, as I shall endeavour to shew further on. 3. That the benefit (which has been much insisted on) of having a chronological list of all the statutes not in force would only endure for a single session, for the repeals of the next session would not appear in their chronological places. 4. A very great number of the defunct acts of Parliament are of such a nature that it is not proper to declare either that they are repealed or expired; the only proper course is to let them alone. Such are all acts which are the foundations of rights or titles to which it has long ceased to be necessary to appeal, but which nevertheless cannot be declared repealed, which would be equivalent (in many cases) to enacting the *contrary*. The proposed act would therefore, in a great degree, fail in its object, for it would necessarily leave untouched a vast mass of statutes which no editor would think it necessary to reprint, but which nevertheless are not so absolutely annulled that the Legislature itself may declare them to be for all purposes extinct, as if they had never been. It may be observed that it is not reasonable or natural to *repeal* any act of a temporary nature, unless it is intended to shorten the original term fixed for its duration; or to repeal any of those acts which, though not expressly limited as to duration, were passed to effect an end which has been effected, unless it is intended to reverse what has been done under them. There is an essential difference between the repeal and the expiration of an act. A repeal implies a change; the expiration of a temporary enactment is no change, but belongs to its original condition. It is therefore absolutely incorrect in principle to repeal an expired act; it is also nugatory, for the repeal can only mean that the act is not to be in force if the conditions of its existence have terminated—which is a truism, and no assistance to any one; or else that it is not to be in force whether the conditions of its existence have terminated or not—which is not what is intended. It will be said that the proposed general clearing statute is not a repeal, but only a declaration by the Legislature that the acts have expired. But what can that mean? The statute must have some legislative force, or none. If none, what is the use of it? If any, it must be a repeal. If, however, there be a doubt as to whe-



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(To be continued).

## Court Papers.

### COMMON-LAW SITTINGS, IN AND AFTER MICHAELMAS TERM, 1855.

#### Court of Queen's Bench.

##### In Term.

MIDDLESEX.	LONDON.
1st sitting .. Monday, Nov. 5	1st sitting, Monday.. Nov. 12
2nd sitting.. Wednesday.. 14	2nd sitting, Monday .. 19
3rd sitting.. Thursday.... 22	
For undefended causes only.	

##### After Term.

Tuesday ..... Nov. 27 | Monday ..... Dec. 10

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Court of Common Pleas.

##### In Term.

MIDDLESEX.	LONDON.
Thursday ..... Nov. 8	Monday ..... Nov. 12
Thursday ..... 15	Monday ..... 19

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"Finally, from the manuscript list of the defunct statutes which has been already prepared by Messrs. Anstey and Rogers, which would form the basis of any such declaratory act as is proposed, it would appear, that even taking the public acts only, and those relating to (or including) England only, and those which are wholly repealed and expired only, (though such limitations would deprive the measure of much of its value), the declaratory statute would contain upwards of ten thousand entries; and if extended (as it ought to be if made at all) to all repealed or unexpired enactments whatsoever, and not merely to whole statutes, would probably contain not far from twenty thousand entries. Those who best know the difficulty of passing an ordinary bill through Parliament will be best able to judge of the possibility of ever passing such a statute without an infinitely stronger case for its necessity than would be felt or could be urged."

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(To be continued).

## Court Papers.

### COMMON-LAW SITTINGS, IN AND AFTER MICHAELMAS TERM, 1855.

#### Court of Queen's Bench.

##### In Term.

MIDDLESEX.	LONDON.
1st sitting.. Monday, Nov. 5	1st sitting, Monday.. Nov. 12
2nd sitting.. Wednesday.. 14	2nd sitting, Monday..... 19
3rd sitting.. Thursday.... 22	
For undefended causes only.	

##### After Term.

Tuesday ..... Nov. 27 | Monday ..... Dec. 10

The Court will sit at ten o'clock every day.

The cases in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Court of Common Pleas.

##### In Term.

MIDDLESEX.	LONDON.
Thursday ..... Nov. 8	Monday ..... Nov. 12
Thursday ..... 15	Monday ..... 19

not now wanted), that Messrs. Anstey and Rogers entered on their task; and if these facts are borne in mind, it will be perceived that most of the reasons which have been adduced to shew that the work as now published is to a great extent useless, and at best very defective, imply no reproach to those gentlemen.

In the first place, the list in its present form is merely a first draft, requiring, and intended to receive, a complete revision before being put forth as fit for use. This they distinctly announced in their joint minute of the 25th July, 1853, (printed in the First Report of the late Statute-law Board). "It is obvious," they said, "that so extensive a list, prepared in less than three months, will require a careful revision by a fresh hand." This fact at once relieves them from any blame in respect of many of the objections urged against the list. Their instructions being to confine themselves to "public general" acts, it was natural and proper that when dealing with the period before the modern division of "general" and "local and personal" acts into distinct series, they should notice, for the purpose of obtaining further directions, all those acts which would now probably be termed local or personal acts; though to print these queries in a list professing to be a work of reference for general use was evidently useless. The same consideration is a sufficient excuse for the numerous entries to which a "query," or other expression of uncertainty, is attached; and also makes it unjust to find fault even with such positive inaccuracies as may be detected in a work executed in so short a time, and which certainly shews, generally speaking, a remarkably extensive acquaintance with the contents of the Statute-book.

These considerations also justify the insertion of the expired and obsolete statutes, which (as has been shewn) it was useless to insert in a work of reference. The framers of the list conceived that they were preparing for a particular purpose, quite different from that to which it has now been applied, a list of all the acts which for any reason are defunct, including those which, if not hitherto distinctly repealed, ought to be repealed.

So with regard to the objection that the list does not always indicate, in the case of repealed acts, the period when they were first repealed, the above-mentioned circumstances exonerate the framers of the list. For their purpose it was only necessary to make it apparent that the act in question had ceased to be in force somehow, so as to justify its insertion in the list.

The foregoing comments will, I hope, have shewn that the non-publication of this list in its present form by the late Board, or by the present Commission, was no unfair suppression, but the exercise of a proper discretion; and that if either of those Boards had caused it to be published, they would have been deservedly exposed to the charge of having wasted a considerable amount of public money in producing a work so crude and so imperfect as to justify the public in refusing to place any confidence in their future labours. What indeed could be said in defence of the publication of a work of which the authors themselves (in their joint minute already quoted) said, "it is obvious that so extensive a list, prepared in less than three months, will require a careful revision by a fresh hand;" and in a subsequent passage, "we have already remarked that the Expurgatory List is still under revision?" If it be objected that such revision and completion ought to have been effected, I need only remind the Board that a proposal for doing so was submitted to them by me on the 13th December last, and that although they determined to abandon the attempt for the present, that determination was not arrived at without sufficient reasons, and was indeed partly founded on considerations suggested to them with candour by Mr.

Anstey himself, in the letter printed in the same paper as my proposals.

With respect to the scheme for a general declaratory repealing act, originally contemplated by Messrs. Anstey and Rogers, and now revived by the resolutions of which Mr. Locko King has given notice, the following are the reasons which in the Second Report of the late Board (1854) were adduced by me against its adoption:—

"There is another view connected with the revision of the statutes which I think it right to notice, as it has been, and I believe still is, entertained by two of my colleagues, and probably is entertained by many other persons, namely, that it is the duty of Parliament, if not itself to republish all those acts which are to remain in force, at least to give assistance to any editor who now wishes to make a new edition of the living law, by passing a comprehensive statute, enumerating every one of the laws already repealed, expired, or otherwise not in force, and once more declaring or enacting them to be repealed. With every respect for those who hold this opinion, I must say that I think an act of this description is quite out of the question, and that for many reasons, some of principle and others practical; they are briefly these:—1. That to ask the Legislature to repeal what is not the law at all is futile, and asking it to do what is no part of its office. 2. That if passed, such an act would not, after all, be of much practical use, and the points in which it would be most useful would be better provided for in the course of consolidation, as I shall endeavour to shew further on. 3. That the benefit (which has been much insisted on) of having a chronological list of all the statutes not in force would only endure for a single session, for the repeals of the next session would not appear in their chronological places. 4. A very great number of the defunct acts of Parliament are of such a nature that it is not proper to declare either that they are repealed or expired; the only proper course is to let them alone. Such are all acts which are the foundations of rights or titles to which it has long ceased to be necessary to appeal, but which nevertheless cannot be declared repealed, which would be equivalent (in many cases) to enacting the *contrary*. The proposed act would therefore, in a great degree, fail in its object, for it would necessarily leave untouched a vast mass of statutes which no editor would think it necessary to reprint, but which nevertheless are not so absolutely annulled that the Legislature itself may declare them to be for all purposes extinct, as if they had never been. It may be observed that it is not reasonable or natural to *repeal* any act of a temporary nature, unless it is intended to shorten the original term fixed for its duration; or to repeal any of those acts which, though not expressly limited as to duration, were passed to effect an end which has been effected, unless it is intended to reverse what has been done under them. There is an essential difference between the repeal and the expiration of an act. A repeal implies a change; the expiration of a temporary enactment is no change, but belongs to its original condition. It is therefore absolutely incorrect in principle to repeal an expired act; it is also nugatory, for the repeal can only mean that the act is not to be in force if the conditions of its existence have terminated—which is a truism, and no assistance to any one; or else that it is not to be in force whether the conditions of its existence have terminated or not—which is not what is intended. It will be said that the proposed general clearing statute is not a repeal, but only a declaration by the Legislature that the acts have expired. But what can that mean? The statute must have some legislative force, or none. If none, what is the use of it? If any, it must be a repeal. If, however, there be a doubt as to whe-

ther the statute has expired or not, then on revision it is fitting that this doubt should be solved.

"These objections are not merely verbal distinctions—they are founded on the nature of things. The difference between a permanent and a temporary or transitory act is fundamental, and it would be singular if the application to the one of a treatment only proper to the other had not a practically mischievous effect. In fact, to repeal an act which is defunct only because it has effected its object would produce an effect exactly the contrary of what is intended. Suppose an act authorising trustees to purchase an estate; they purchase the estate accordingly, and the act is defunct—there is nothing more for it to do. But if we now repeal that act, we repeal the authority given to the trustees, and their purchase becomes a breach of trust. The case of all transitory acts is, in fact, the same—the effect of a repeal, when strictly considered, is not to get rid of them, but to invalidate everything that has been done under them. Tithe commutations, inclosures, enfranchisements of copyholds, sales and exchanges of estates, divorces, and many other whole classes which will readily suggest themselves, fall within the scope of the foregoing observations. An act declaring that the acts under which they were effected are repealed would be equivalent to a declaration that they were illegally made, and void: the tithes would be restored, the inclosures would become common land, the enfranchised property would become copyhold again, and so on. No doubt the repealing act could be so worded as not to produce such effects as those last mentioned; but it could only be by confining it to a declaration that the acts are not in force, except so far as they are wanted, which would make it nugatory; for to declare that the repeal only applies to the future would not be sufficient, the acts now in question being the foundation of continuing rights.

"Permanent acts are repealed because it is intended that they shall no longer be the law of the land as to present and future transactions; and if there are any permanent acts about which there may be a doubt whether they have been repealed already, there can be no harm in repealing them over again, for still that is only a declaration that they shall not henceforth be the law, whether they were so before or not. It will readily be seen that the case of expired and defunct acts is entirely different, and that these considerations do not touch them at all.

"It appears, therefore, that so far from its being any part of the duty of a Legislature to pass a declaratory statute as to expired and defunct acts, such a measure would at best be nugatory, and perhaps mischievous.

"Finally, from the manuscript list of the defunct statutes which has been already prepared by Messrs. Anstey and Rogers, which would form the basis of any such declaratory act as is proposed, it would appear, that even taking the public acts only, and those relating to (or including) England only, and those which are wholly repealed and expired only, (though such limitations would deprive the measure of much of its value), the declaratory statute would contain upwards of ten thousand entries; and if extended (as it ought to be if made at all) to all repealed or unexpired enactments whatsoever, and not merely to whole statutes, would probably contain not far from twenty thousand entries. Those who best know the difficulty of passing an ordinary bill through Parliament will be best able to judge of the possibility of ever passing such a statute without an infinitely stronger case for its necessity than would be felt or could be urged."

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(To be continued).

## Court Papers.

### COMMON-LAW SITTINGS, IN AND AFTER MICHAELMAS TERM, 1855.

#### Court of Queen's Bench.

##### In Term.

MIDDLESEX.	LONDON.
1st sitting.. Monday, Nov. 5	1st sitting, Monday.. Nov. 12
2nd sitting.. Wednesday.. 14	2nd sitting, Monday..... 19
3rd sitting.. Thursday.... 22	
For undefended causes only.	

##### After Term.

Tuesday ..... Nov. 27 | Monday ..... Dec. 10

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Court of Common Pleas.

##### In Term.

MIDDLESEX.	LONDON.
Thursday ..... Nov. 8	Monday ..... Nov. 12
Thursday ..... 15	Monday ..... 19

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So with regard to the objection that the list does not always indicate, in the case of repealed acts, the period when they were *first* repealed, the above-mentioned circumstances exonerate the framers of the list. For their purpose it was only necessary to make it apparent that the act in question had ceased to be in force somehow, so as to justify its insertion in the list.

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"There is another view connected with the revision of the statutes which I think it right to notice, as it has been, and I believe still is, entertained by two of my colleagues, and probably is entertained by many other persons, namely, that it is the duty of Parliament, if not itself to republish all those acts which are to remain in force, at least to give assistance to any editor who now wishes to make a new edition of the living law, by passing a comprehensive statute, enumerating every one of the laws already repealed, expired, or otherwise not in force, and once more declaring or enacting them to be repealed. With every respect for those who hold this opinion, I must say that I think an act of this description is quite out of the question, and that for many reasons, some of principle and others practical; they are briefly these:—1. That to ask the Legislature to repeal what is not the law at all is futile, and asking it to do what is no part of its office. 2. That if passed, such an act would not, after all, be of much practical use, and the points in which it would be most useful would be better provided for in the course of consolidation, as I shall endeavour to shew further on. 3. That the benefit (which has been much insisted on) of having a chronological list of all the statutes not in force would only endure for a single session, for the repeals of the next session would not appear in their chronological places. 4. A very great number of the defunct acts of Parliament are of such a nature that it is not proper to declare either that they are repealed or expired; the only proper course is to let them alone. Such are all acts which are the foundations of rights or titles to which it has long ceased to be necessary to appeal, but which nevertheless cannot be declared repealed, which would be equivalent (in many cases) to enacting the *contrary*. The proposed act would therefore, in a great degree, fail in its object, for it would necessarily leave untouched a vast mass of statutes which no editor would think it necessary to reprint, but which nevertheless are not so absolutely annulled that the Legislature itself may declare them to be for all purposes extinct, as if they had never been. It may be observed that it is not reasonable or natural to *repeal* any act of a temporary nature, unless it is intended to shorten the original term fixed for its duration; or to repeal any of those acts which, though not expressly limited as to duration, were passed to effect an end which has been effected, unless it is intended to reverse what has been done under them. There is an essential difference between the repeal and the expiration of an act. A repeal implies a change; the expiration of a temporary enactment is no change, but belongs to its original condition. It is therefore absolutely incorrect in principle to repeal an expired act; it is also nugatory, for the repeal can only mean that the act is not to be in force if the conditions of its existence have terminated—which is a truism, and no assistance to any one; or else that it is not to be in force whether the conditions of its existence have terminated or not—which is not what is intended. It will be said that the proposed general clearing statute is not a repeal, but only a declaration by the Legislature that the acts have expired. But what can that mean? The statute must have some legislative force, or none. If none, what is the use of it? If any, it must be a repeal. If, however, there be a doubt as to whe-



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The work being thus already in existence, and requiring, as I then understood from Mr. Coode, only what is commonly implied by "revision of the press," I considered that it would be useful to print it with the First Report of the Board, as a specimen of an elaborate mode of digesting the law on a somewhat peculiar principle; and for that purpose Mr. Coode distinctly undertook to revise and complete it in time for the First Report, which, as Mr. Coode was well aware, the Lord Chancellor was very desirous to have published before the end of the session of 1853.

(To be continued).

## Court Papers.

### COMMON-LAW SITTINGS, IN AND AFTER MICHAELMAS TERM, 1855.

#### Court of Queen's Bench.

##### In Term.

MIDDLESEX.	LONDON.
1st sitting.. Monday, Nov. 5	1st sitting, Monday.. Nov. 12
2nd sitting.. Wednesday.. 14	2nd sitting, Monday..... 19
3rd sitting.. Thursday.... 22	
For undefended causes only.	

##### After Term.

Tuesday..... Nov. 27 | Monday..... Dec. 10

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Court of Common Pleas.

##### In Term.

MIDDLESEX.	LONDON.
Thursday..... Nov. 8	Monday..... Nov. 12
Thursday..... 15	Monday..... 19



*After Term.*

Tuesday ..... Nov. 27 | Friday ..... Dec. 7

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

**Exchequer of Pleas.***In Term.***MIDDLESEX.**

1st sitting, Monday .. Nov. 5  
2nd sitting, Wednesday .. 14  
3rd sitting, Wednesday .. 21

**LONDON.**

1st sitting, Monday .. Nov. 12  
2nd sitting, Monday ..... 19

*After Term.*

Tuesday ..... Nov. 27 | Monday ..... Dec. 10

The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

In each of the London Sittings during term there will be two days for the trial of causes.

**COMMON-LAW CAUSE LISTS, MICHAELMAS TERM, 1855.****Court of Queen's Bench.****NEW TRIALS**

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER TRINITY TERM, 1855.

**FOR ARGUMENT.**

HILARY TERM, 1854.

London.—Nicoll v. Oliver

London.—Hill v. Oliver

" Brodie v. Oliver  
TRINITY TERM, 1855.

Midd.—Crabbe v. Fenner.

**SPECIAL CASES AND DEMURRERS**

FOR MICHAELMAS TERM, 1855.

Those marked thus \* are Special Cases, and thus † Demurrers.

**FOR JUDGMENT.**

\*Clayton v. Fenwick

**FOR ARGUMENT.**

†Burgoyne v. Cottrell  
†Sturgis v. Caster (Stands over till case of Billiter v. Young, in error, is disposed of)

†Easdown v. South-eastern Railway Co.

\*M'Murric v. Begg

†Loader & ors. v. Hathaway

Kent v. Gootts (Appeal from Sheriff's Court, London)

†Gibson v. Aspdin & an.

†Drummond v. Griffith

\*Forbes v. Elderfield

\*Croft v. Lumley & ors.

\*Barrow v. Bell & ors.

\*Lethbridge v. Kirkman

Colwill v. Brown (Appeal from County Court, Devonshire, holden at Oakhampton)

\*Anderson & an. v. Baigent

†Johnson v. Gandy

†Tanner v. South Wales Railway Co.

†Arcedeckne v. Martyn (To defendant's pleas)

†Same v. Same (To plaintiff's replication)

\*Weekman v. Meek

†Thompson v. Hopper

†Caswell v. Worth & an.

†Doel v. Sheppard & ors.

†Clutterbuck v. Marling & ors.

†Snewin v. Bean

†Halhead & ors. v. Young.

**ENLARGED RULES**

FOR MICHAELMAS TERM, 1855.

*First Day.*

In re Story

Jacobs & an. v. Lawrence

In re Nokes

Reg. v. Justices of the Isle of Ely

*Fifth Day.*

Reg. v. Earl of Mornington

Same v. Whitehaven Junction

Railway Co.

*Sixth Day.*

Alcennis v. Nygren.

**CROWN PAPER, MICHAELMAS TERM, 1855.**

Glamorganshire Reg. v. Lewis.

Middlesex ..... Churchwardens of St. Marylebone.

London ..... Mathews.

Sussex ..... Inhabitants of Cuckfield.

Cheshire ..... Mayor of Chester.

**Court of Common Pleas.****NEW TRIALS.**

*Moved Easter Term, 1855.*

London.—Hackwood v. Lyall\*

" Brodie v. Howard\*

*Moved Trin. Term, 1855.*

London.—Walker v. Bartlett

Midd.—Grant v. Guinness

" King v. Gadsden.

**ENLARGED RULES.**

Dawson v. Williams (Until after action tried in Queen's Bench)

*Generally.*

Mossop v. The Great Northern Railway Co.

**DEMURRER PAPER.**

*Thursday, Nov. 8.*

Myers v. Willis\*

Repton v. Townend

Repton v. Greenlees

Midland Railway Co. v. Daykin

British Industry and Life Assurance v. Ward.

**Court of Exchequer.**

SITTINGS—MICHAELMAS TERM, 1855.

*Days in Term.*

Friday ..... Nov. 2

Saturday ..... 3

Monday ..... 5

Tuesday ..... 6

Wednesday ..... 7

Thursday ..... 8

Friday ..... 9

Saturday ..... 10

Monday ..... 12

Tuesday ..... 13

Wednesday ..... 14

Thursday ..... 15

Friday ..... 16

Saturday ..... 17

Monday ..... 19

Tuesday ..... 20

Wednesday ..... 21

Thursday ..... 22

Friday ..... 23

Saturday ..... 24

Monday ..... 26

*Banc.*

Errors.

Special Paper.

Lord Mayor sworn.

Crown Cases.

Special Paper. Sheriffs nominated.

Special Paper.

Special Paper.

Special Paper.

Special Paper.

*Days in Term.*

Monday .... Nov. 5

Monday ..... 12

Wednesday ..... 14

Monday ..... 19

Wednesday ..... 21

*Nisi Prius.*

Middlesex, first Sitting.

London, first Sitting.

Middlesex, second Sitting.

London, second Sitting.

Middlesex, third Sitting.

**NEW TRIALS.****FOR JUDGMENT.**

*Moved Hilary Term, 1855.*

London.—Bovill v. Timm

**FOR ARGUMENT.**

*Moved Easter Term, 1855.*

London.—Board of Manage-

ment of Central

London District

Schools v. Wythes

London.—Crouch v. The Great

Northern Railway

Co.

**SPECIAL PAPER.****FOR JUDGMENT.**

The Earl of Lonsdale v. Rigg (Sp. C.)

**FOR ARGUMENT.**

Broadbent v. Ramsbotham (Sp. C.)

Marcom v. Bloxam (D.)

Taylor v. Calmont (Sp. C.)

Doe d. Hughes v. Probert (Sp. C.)

Guardians of the Poor of Wycombe Union v. Guardians of the Poor of Eton Union (Sp. C.)

Jervis v. Tomkinson (Sp. C.)

Master and Wardens of the Merchant Tailors Co. v. Truscott (D.)

Wilson v. Martin

Same v. Rathbone (Sp. C.)

Jonas v. Lavater (D.)

\* To stand over till *Frost v. Oliver* is disposed of.

TUESDAY, Oct. 23.

## BANKRUPTS.

FREDERICK LITTLER, High-street, Shadwell, and Gibson-street, Lambeth, oil and colour man, Oct. 30 at 1, and Nov. 27 at 11, London: Off. Ass. Johnson; Sols. Fry & Loxley, 80, Cheap-side.—Pet. f. Oct. 10.

GEORGE WHIFFIN BRADBEE the elder and GEORGE WHIFFIN BRADBEE the younger, Newgate-street, fringe manufacturers, (trading under the name, style, or firm of G. W. Bradbee & Son), Nov. 1 at 2, and Dec. 6 at half-past 11, London: Off. Ass. Bell; Sols. Smith & Son, Barnard's-inn.—Pet. f. Oct. 22.

ALEXANDER JOHN LESLIE, Herne Bay, Kent, and Conduit-street, St. George, Hanover-square, dealer and chapman, Nov. 1 at half-past 1, and Nov. 29 at half-past 11, London: Off. Ass. Bell; Sol. Appleby, 6, Harpur-street, Red Lion-square.—Pet. f. Oct. 22.

EBENEZER LAWRENCE, New Barnet, Hertfordshire, builder, Nov. 1 at 11, and Dec. 4 at 12, London: Off. Ass. Stansfeld; Sol. Burr, 12, Paternoster-row.—Pet. f. Oct. 20.

JOHN MALLIN, Rowley Regis, Staffordshire, miller, Nov. 2 and Dec. 1 at 11, Birmingham: Off. Ass. Christie; Sol. Smith, Birmingham.—Pet. d. Oct. 20.

BENJAMIN WILLIAM BOWRING, Sydling, St. Nicholas, Dorsetshire, miller, Nov. 5 and Dec. 6 at 1, Exeter: Off. Ass. Hirtzel; Sols. Slade & Vining, Yeovil; Terrell, Exeter.—Pet. f. Oct. 13.

THOMAS EDWARDS, Tonpandy, Ystradfyfodwg, near Pontypridd, Glamorganshire, grocer, Nov. 5 and Dec. 3 at 11, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol.—Pet. f. Oct. 1.

THOMAS FURNEAUX HONYWILL, Torquay, Devonshire, ironmonger, Nov. 5 and Dec. 6 at 1, Exeter: Off. Ass. Hirtzel; Sols. Bishop, Torquay; Turner, Exeter.—Pet. f. Oct. 22.

JONATHAN OGDEN, Liverpool, dealer and chapman, Nov. 5 and Dec. 3 at 11, Liverpool: Off. Ass. Morgan; Sol. Dodge, Liverpool.—Pet. f. Oct. 13.

JAMES HUNTER, Burscough, Lancashire, shipwright, Nov. 2 and 30 at 11, Liverpool: Off. Ass. Bird; Sol. Forshaw, Liverpool.—Pet. f. Oct. 20.

## MEETINGS.

James Lamb, Edward Lewis, and William Thomas Alhum, Woudham, Kent, and Kingsland-road, Middlesex, cement manufacturers, Nov. 3 at half-past 2, London, pr. d.—George F. Lillierap, Bishopsgate-street Without, grocer, Nov. 3 at 1, London, last ex.—George Stanton, Birmingham, retail brewer, Nov. 5 at half-past 10, Birmingham, last ex.—John Jessup Sewell, Brighton, apothecary, Nov. 8 at 2, London, aud. ac.—Thomas E. Shales, Brighton, linendraper, Nov. 8 at 2, London, aud. ac.—James Smethurst, Manchester, small-ware manufacturer, Nov. 6 at 12, Manchester, aud. ac.—James Brown, Michael Thwaites Brown, and Nicholas Brown, Monkwearmouth, Durham, builders, Nov. 16 at half-past 12, Newcastle-upon-Tyne, aud. ac.; Nov. 20 at 1, first and fin. div.—Samuel M. Lotinga and Noah S. Lotinga, Newcastle-upon-Tyne and North Shields, insurance brokers, Nov. 14 at 11, Newcastle-upon-Tyne, aud. ac.; Nov. 20 at 12, div.—Wm. Graham, Wingate Grange and Low Spenny Moor, Durham, grocer, Nov. 16 at half-past 11, Newcastle-upon-Tyne, aud. ac.; Nov. 20 at 11, div.—Thomas Leavesley, Coventry, Warwickshire, silk dyer, Nov. 15 at half-past 10, Birmingham, aud. ac.—Alfred Cheadle and Frederick Cheadle, Stone, Staffordshire, drapers, Nov. 8 at half-past 10, Birmingham, aud. ac.; Nov. 15 at 11, div.—Wm. Hopkins, Birmingham, grocer, Nov. 15 at half-past 10, Birmingham, aud. ac.; Nov. 22 at 12, div.—James King, Birmingham, licensed victualler, Nov. 2 at 11, Birmingham, aud. ac.—W. A. Vincent, Wolverhampton, Staffordshire, printer, Nov. 12 at half-past 10, Birmingham, aud. ac.; Nov. 19 at half-past 10, div.—T. L. Coombe, Lambeth-walk, baker, Nov. 15 at 11, London, div.—J. Sanders, Paddington-green, corn dealer, Nov. 15 at 2, London, div.—D. A. Ramsey, Kensington-park-terrace, Notting-hill, builder, Nov. 15 at 2, London, div.—E. Hale, Ware, Hertfordshire, fellmonger, Nov. 13 at half-past 12, London, div.—James Willson Pearl, Milton-street, Dorset-square, horse dealer, Nov. 13 at 12, London, fin. div.—John Dawson, High-street, Shadwell, tobaccoist, Nov. 15 at 11, London, div.—Meyer Jacobs, Steward-street, Spitalfields, ware-

houseman and merchant, Nov. 13 at 2, London, div.—James Turner, Hedge-row, High-street, Islington, draper, Nov. 13 at half-past 2, London, div.—Elizabeth Whitaker, Romford, plumber, Nov. 13 at 1, London, div.—J. Manders, Shoreditch, oilman, Nov. 13 at 1, London, div.—John Batters, Tokenhouse-yard, shipowner, Nov. 15 at 1, London, div.—J. W. Aldridge, Witham, Essex, corn merchant, Nov. 15 at 1, London, div.—George Hutchison, Palace-row, New-road, timber merchant, Nov. 15 at 12, London, div.—Henry Baker, Camomile-street, London-wall, sugar boiler, Nov. 15 at 12, London, div.—C. B. Greatrex, Abberley, Worcestershire, apothecary, Nov. 19 at half-past 10, Birmingham, div.—G. Parry the younger, Willenhall, Staffordshire, ironmonger, Nov. 16 at 11, Birmingham, div.—E. W. Peters, Coventry, wine merchant, Nov. 10 at 11, Birmingham, fin. div.—J. Rushton, Carlisle, plasterer, Nov. 20 at 1, Newcastle-upon-Tyne, div.—John Rallton and James Pacey, Manchester, manufacturers of mousseline de laines, Nov. 14 at 12, Manchester, div. sep. est. of John Rallton.—John David Neill and Henry Sanderson, Liverpool, shipbrokers, Nov. 13 at 11, Liverpool, div. joint est.; Nov. 30 at 11, div. sep. est. of John David Neill.—John Deane, Liverpool, chemist, Nov. 14 at 11, Liverpool, div.—Thomas Parker, Southport, Lancashire, hotel keeper, Nov. 14 at 11, Liverpool, div.—John Crosthwaite, Liverpool, merchant, Nov. 15 at 11, Liverpool, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

James Burgin Gough, River-terrace, Islington, timber merchant, Nov. 14 at half-past 12, London.—Joseph Miller, Piccadilly, fishmonger, Nov. 14 at half-past 12, London.—H. Miller and Wm. Hook, Newport, Isle of Wight, hardwaremen, Nov. 14 at 12, London.—Wm. L. Thomas, Cross-street, Finsbury, cowkeeper, Nov. 14 at 1, London.—George Selby, Ironmonger-lane, London, and Birmingham, iron enameller, Nov. 14 at 11, London.—Thomas Routledge and Joseph Routledge, Commercial-road, Lambeth, wharfingers, Nov. 15 at 11, London.—Wm. Needham and Samuel White, Friday-street, Cheap-side, silk manufacturers, Nov. 14 at 12, London.—John Stevenson, Barham, Suffolk, innkeeper, Nov. 14 at half-past 12, London.—Wm. S. Peebles, East Dereham, Norfolk, builder, Nov. 13 at 1, London.—Robert Wall, Piccadilly, saddler, Nov. 15 at 2, London.—David Edwards the younger, Landport, Portsea, corn mealman, Nov. 13 at 2, London.—Wm. Pattullo, Thornhill-place, Caledonian-road, and St. James's-road, Holloway, baker, Nov. 15 at 12, London.—Louis Lichtenstein, Great St. Helens, merchant, Nov. 15 at 1, London.—Wm. Graham, Wingate Grange and Low Spenny Moor, Durham, grocer, Nov. 20 at half-past 11, Newcastle-upon-Tyne.—William Mellor, Chorley and Alderley, Cheshire, cattle dealer, Nov. 13 at 12, Manchester.—L. Selig, trader, Nov. 15 at 11, Liverpool.—Wm. Hopkins, Birmingham, grocer, Nov. 22 at half-past 10, Birmingham.—Thomas Caton Goodwin, Longton, Staffordshire, earthenware dealer, Nov. 22 at half-past 10, Birmingham.—J. Aldridge, Leeds, chemist, Nov. 20 at 11, Leeds.—John Mawer, Louth, Lincolnshire, butcher, Nov. 21 at 12, Kingston-upon-Hull.

To be granted, unless an Appeal be duly entered.

John W. Cash, Manchester, and Jewin-street, London, fancy stationer.—Peter Sharland, Penzance, Cornwall, tailor.—E. Latham, Liverpool, commission merchant.—John Christie, Accrington, Lancashire, ironfounder.

The Right Hon. Sir John Jarvis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Thomas Udall, gent., of Newcastle-under-Lyne, Staffordshire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Stafford.

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Law Society's Hall, October, 1855.

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# The Jurist

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## GAZETTES.—FRIDAY, Oct. 26.

## BANKRUPTS.

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and. ac.—*Isaac William Wallon*, Haymarket, hotel keeper, Nov. 6 at half-past 12, London, and. ac.—*Charles Christie*, Vauxhall-walk and Broad-street, Lambeth, timber merchant, Nov. 6 at 12, London, and. ac.—*James Harris*, Commercial-road; Lambeth, and Cornbury-place, Old Kent-road, Surrey, and Charlton, near Woolwich, and Elmstead, Kent, potter, Nov. 6 at 1, London, and. ac.—*William Sheldrake Francis Sparks*, New Bond-street, waterproofer, Nov. 6 at half-past 12, London, and. ac.—*Thomas Ledyard Boill* and *Thomas Douglass*, Vigo-street, Middlesex, cloth manufacturers, Nov. 7 at half-past 17, London, and. ac.—*Pemble Browne*, Grosvenor-street, Bond-street, Middlesex, and Charlton, Kent, wine merchant, Nov. 6 at half-past 11, London, and. ac.—*Samuel Wm. Partridge* and *Daniel F. Okey*, Paternoster-row, booksellers, Nov. 7 at 11, London, and. ac.—*Wm. George Brown*, Dartford, Kent, clothier, Nov. 7 at 11, London, and. ac.—*John Abraham Rippen*, Lowth-cottages, Wellington-road, Camberwell, cigar manufacturer, Nov. 6 at 12, London, and. ac.—*Antoni Forrer*, Regent-street, jeweller, Nov. 6 at half-past 12, London, and. ac.—*T. Hutchings*, Park-street, Westminster; Great Grimby, Lincolnshire; and Anston, Yorkshire, railway contractor, Nov. 5 at 12, London, and. ac.—*Robert Martin* and *David Wardlaw Scott*, Great St. Helens, London, merchant, Nov. 6 at 1, London, and. ac.—*Wilmot James Nokes*, South-street, Spitalfields-market, potato salesman, Nov. 6 at 11, London, and. ac.—*Thomas Tynbee*, Slough, Buckinghamshire, horse dealer, Nov. 5 at 12, London, and. ac.—*Frederick Divers*, Great Bell-alley, Moorgate-street, licensed victualler, Nov. 6 at half-past 11, London, and. ac.—*William Epworth Tute*, Mark-lane, wine broker, Nov. 6 at 11, London, and. ac.—*Henry Lockey Edridge*, Monmouth-road, Bayswater, builder, Nov. 6 at half-past 11, London, and. ac.—*Albert King*, Chiswell-street, Finsbury, wholesale grocer, Nov. 7 at 12, London, and. ac.—*John Mitchell*, Great Bourton, Oxfordshire, railway contractor, Nov. 6 at 12, London, and. ac.—*Benjamin Kent*, Norfolk-street, Strand, hotel keeper, Nov. 6 at half-past 12, London, and. ac.—*George Wild*, Oxford-street, grocer, Nov. 7 at 11, London, and. ac.—*John Divers*, Talbot-court, Eastcheap, licensed victualler, Nov. 6 at 1, London, and. ac.—*Andrew Burn*, Sackville-street, Piccadilly, and Caroline-place, Pancras-vale, tailor, Nov. 6 at 12, London, and. ac.—*E. Over*, Barossa-terrace, Cambridge-road, Bethnal-green, oilman, Nov. 7 at 1, London, and. ac.—*George John Humphreys*, Crown-court, Old Broad-street, underwriter, Nov. 9 at 1, London, and. ac.—*David Edwards* the younger, Landport, Portsea, Southampton, corn factor, Nov. 13 at 2, London, and. ac.—*Robert Wall*, Piccadilly, saddler, Nov. 15 at 2, London, and. ac.—*William Gilbert*, Vine-place, Old-street-road, butcher, Nov. 15 at 11, London, and. ac.—*Frederick Duncan*, Liverpool, merchant, Nov. 5 at 11, Liverpool, and. ac.—*John Crosthwaite*, Liverpool, merchant, Nov. 8 at 11, Liverpool, and. ac.—*James Stevenson*, Liverpool, provision dealer, Nov. 8 at 11, Liverpool, and. ac.; Nov. 16 at 11, div.—*W. Oulton*, Liverpool, chemist, Nov. 8 at 11, Liverpool, and. ac.; Nov. 16 at 11, div.—*John Railton* and *James Pavey*, Manchester and Colne, Lancashire, manufacturers of mousseline de laines, Nov. 7 at 12, Manchester, and. ac. sep. est. of *John Railton*.—*Joseph Grimshaw*, Bolton-le-Moors, Lancashire, licensed victualler, Nov. 13 at 12, Manchester, and. ac.; Nov. 20 at 12, div.—*William French*, Bedlington, Durham, brewer, Nov. 16 at half-past 11, Newcastle-upon-Tyne, and. ac.—*John Hall*, Newcastle-upon-Tyne, corn factor, Nov. 14 at half-past 1, Newcastle-upon-Tyne, and. ac.—*W. Geldart*, North Shields, ship owner, Nov. 14 at half-past 1, Newcastle-upon-Tyne, and. ac.—*George Rochester*, Bishopwearmouth, Durham, woollendrapers, Nov. 14 at 1, Newcastle-upon-Tyne, and. ac.—*Thomas Routledge* and *Joseph Routledge*, Commercial-road, Lambeth, saw-mills proprietors, Nov. 16 at 11, London, div.—*Thomas George Shaw* and *Joseph Lane*, Old Broad-street, London, and Manchester, wine merchants, Nov. 16 at half-past 11, London, div.—*Vincent Snook* and *John Thomas Snook*, King-street, Hammersmith, linen-drappers, Nov. 16 at half-past 1, London, div.—*F. Blackwell*, Peterborough, Northamptonshire, currier, Nov. 16 at 1, London, div.—*Wm. Jennings*, Bradford, linen-draper, Nov. 16 at 11, Leeds, div.—*John Fell* and *John Learoyd*, Huddersfield, woollen manufacturers, Nov. 16 at 11, Leeds, div.—*Joseph Meeks*, Sheffield, draper, Nov. 17 at 12, Sheffield, div.—*John David Neill* and *Henry Sanderson*, Liverpool, ship brokers,

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## THE JURIST.

LONDON, NOVEMBER 3, 1855.

OUR attention has been directed by the recent case of *Sudler v. Henlock* (1 Jur., N. S., part 1, p. 677; 24 L. J., Q. B., 138) to the doctrine of respondent superior in cases where, through the negligence of persons employed either as servants or contractors, an injury has resulted to third parties. We propose, therefore, to review some of the cases which illustrate this doctrine, and to point out the principle by which they are governed. In *Sudler v. Henlock* the defendant had employed a person of the name of Pearson to inspect and clear out for him a drain which ran under the public road, and had paid him 5s. for the job. Pearson, in order effectually to clear out the drain, had broken up the soil of the highway; and it was alleged, that in consequence of the negligent manner in which he had filled it up again, the plaintiff's horse was thrown down, and his knees broken. It appeared that the defendant had never employed Pearson on any other occasion, and that he was a person well skilled in cleaning drains. The defendant did not personally interfere in the work, nor did he in any way direct in what manner the drain should be cleared out. The plaintiff had a verdict in his favour, and leave was reserved to the defendant to move to enter a nonsuit or a verdict, in case the Court should be of opinion that the defendant was not liable for the acts of Pearson.

"The real question," said Lord Campbell, C. J., in giving judgment, "is, what was the relation that subsisted between the defendant and Pearson. . . . Whether the defendant is liable or not for the negligence depends upon whether Pearson is to be considered as his servant at the time. If a domestic servant in the regular employment of the defendant had been

ordered by the defendant to go and clear out the drain, no doubt he would have rendered his master liable. What difference does it make, that instead of his domestic servant the defendant employs Pearson, a common labourer, to do the job? The defendant might have superintended the job and given directions until the work was completed; and if so, Pearson was his servant pro hac vice, and the defendant liable as master. Consistently with the case of *Peachey v. Rowland*, (13 C. B. 182), and the other cases, I think the relationship of master and servant existed, and for the mischief that arose from the negligence of the servant respondent superior." Coleridge, J., observed that the defendant, by employing a person of skill in doing the particular work he is employed to do, relieved himself from actually superintending the particular work, but that the fact of employing a skilled person did not release him from the effect of such person's negligence, any more than if he employed a domestic servant. Crompton, J., seemed to think that the true test in such cases was, "whether the employer had any control over the persons employed; and whether the payment was by the day or piece could make no difference." "The defendant," continued his Lordship, "in this case could, during the progress of the work, overlook and direct what was to be done, and the manner of doing it, and it would be rather against common sense to say that a man employed in that way is a contractor. It is only on the ground of the relationship of employer and contractor being different from that of master and servant that I can understand the authorities." The verdict, therefore, was allowed to stand.

It follows from the above case that the principle which ought to guide us to a right conclusion in cases of this nature is—

First, what is the relationship that exists between the employer and employed. If it be that of master

and servant, then the employer is liable; if that of employer and contractor, then he is not liable.

Secondly, that the true test to ascertain the relationship between the parties is, whether the employer has any control over the person employed; that is, whether the employer has the power of superintending the work, and directing it to be done in such manner as he pleases. It is obvious that in cases where he has not such power, but the employed agrees to do the work, and the mode of performing it is under his absolute control, the relationship that exists between the parties is that of employer and contractor.

Thirdly, whether the party employed is competent and skilful is no true criterion; for in all cases of master and servant, of employer and contractor, it is for the interest of employers that they should engage the services of competent and skilful persons, and it is to be presumed that they naturally would do so. In *Peachey v. Rowland*, (13 C. B. 182), the case mentioned by Lord Campbell, the facts were these:—The defendants, who were builders, had erected some houses by the side of a highway, and had contracted with Messrs. Scott & Redkin to do the brickwork, and with one Ansell to fill in the earth of a drain conducting from the houses to the main sewer, running under the highway. The road had been opened, and the earth afterwards filled in upon the drain above the level of the road, and so left without light or signal. The plaintiff drove his cart against it, and received the injuries of which he complained. It appeared from the evidence that one of the defendants had been upon the premises four or five days before the accident, when the earth upon the drain was much in the same state as it was when the accident occurred, but it appeared he had no control over or anything to do with the way in which the earth was filled in. Jervis, C. J., on the authority of *Knight v. Fox* (5 Exch. 721) and *Overton v. Freeman*, (21 L. J., C. P., 52), ruled that the defendants were not liable, and this ruling was upheld by the Court of Common Pleas.

The first question in this case would be, according to the principle we have deduced from *Sadler v. Henlock*, what is the relation subsisting between the employer and employed? Is it that of master and servant, or employer and contractor? To answer this question, it is necessary to ascertain whether the defendants had any control over Ansell. It appeared that they had not. The relationship subsisting, therefore, between the parties being that of employer and contractor, the defendants clearly were not liable; and on this ground this case, as stated by Lord Campbell, is perfectly consistent with *Sadler v. Henlock*. That this was the correct ground of the decision can be gathered from an observation of Jervis, C. J., in the course of the argument, where, in distinguishing this case from *Burgess v. Grey*, (1 C. B. 578), he said, "In *Burgess v. Grey* there was an admission by the defendant that he had not abandoned his control over the work." Maule, J., however, in delivering his judgment, put the case on the ground of Ansell having committed a nuisance, from which a private injury resulted. He said, "The true view is, that the evidence here in substance shewed that the defendants had nothing at all to do with the filling in of the earth. It shewed only that they had employed

Ansell to fill it in, leaving him to do it as he pleased, in a proper or improper manner, and that he did it in such a way as to commit a nuisance, from which a private injury resulted to the plaintiff. . . . With respect to *Randleston v. Murray*, (8 Ad. & El. 109), the occurrence there does not appear to have taken place in a highway. . . . But *Randleston v. Murray* was not the case of a public wrong." In *Randleston v. Murray*, which was a case in which a master porter was employed by a warehouseman to remove a barrel from his warehouse, the master porter employed his own men and tackle, and through the negligence of the men the tackle failed and injured the plaintiff. The Court, in giving judgment in that case, held the defendant liable, on the express ground of the master porter and the other men all standing in the relationship of master and servants. This is clear from the judgments of the learned judges. Little Dale, J., says, "It seems to me to make no difference whether the persons whose negligence occasions the injury be servants of the defendant, paid by daily wages, or be brought to the warehouse by a person employed by the defendant." The distinction which Maule, J., endeavoured to draw between *Peachey v. Rowland* and *Randleston v. Murray* does not interfere with the principle laid down by Crompton, J., and the other judges, in *Sadler v. Henlock*. It is the same principle which governs *Knight v. Fox* and *Overton v. Freeman*. In the former case the defendant was held not to be liable, on the ground that the relationship subsisting between the defendant and the wrongdoer was not one of master and servant, but of employer and contractor. In that case Parke, B., says, "The act complained of was not an act done by Cockrane (the wrongdoer) in the character of a servant of the defendants." And Alderson, B., says, "The real question, and the only one, is, whether the negligent act by which the injury was occasioned to the plaintiff was the act of Cockrane as the defendants' servant; for if it was, they are responsible to the plaintiff for the injury she has sustained. But the evidence shews that when that negligent act was occasioned by Cockrane he was acting as sub-contractor." And in *Overton v. Freeman*, Maule, J., says, "One mode of inquiring whether the defendant is liable in cases like the present is to see whether the act was done by his servant. If the person who committed the act be so considered, the defendant will be liable; but he cannot be so considered if he is a sub-contractor." And the party causing the injury not being the servant of the defendant, the plaintiff was nonsuited. In both these last-cited cases the act occasioning the injury being a nuisance was held to make no difference in the liability of the defendant; and Parke, B., in *Knight v. Fox*, explained that such distinction could exist only where the nuisance was connected with a man's house or with his fixed property. And this is consistent with the judgment of Rolfe, B., in *Reedie v. The London and North-western Railway Company*, (4 Exch. 256); and the reason given why such a liability should attach in such a case is lucidly stated in the following words:—"His liability" (that is, of the owner of real property) "must be founded on the principle, that he has not taken due care to prevent the doing of acts which it was his duty



to prevent, whether done by servants or others. If, for instance, a person occupying a house or a field should permit another to carry on there a noxious trade, so as to be a nuisance to his neighbours, it may be that he would be responsible, though the acts complained of were neither his acts nor those of his servants. He would have violated the rule of law, *sic utere tuo ut alienum non lēdas*."

It is upon the principle of *qui facit per alium facit per se* that the master is responsible for the acts of his servant, and it is easy to understand that such a maxim cannot apply to the case of employer and contractor: the act of a party over whom the employer has no control cannot in any way be considered as the act of the employer. This maxim is thus cited and applied by Parke, B., in his judgment in *Quarman v. Burnett*, (6 M. & W. 499)—"That person is undoubtedly liable who stood in the relation of master to the wrongdoer—he who selected him as his servant from the knowledge of or belief in his skill and care, and who may remove him for misconduct, and whose orders he was bound to receive and obey; and whether such servant has been appointed by the master directly, or intermediately through the intervention of an agent authorised by him to appoint servants for him, can make no difference. But the liability by virtue of the principle of relation of master and servant must cease where the relation itself ceases to exist; and no other person than the master of such servant can be liable, on the simple ground that the servant is the servant of another, and his act the act of another. Consequently a third person entering into a contract with the master, which does not raise the relation of master and servant at all, is not thereby rendered liable; and to make such person liable, recourse must be had to a different and more extended principle, namely, that a person is liable not only for the acts of his own servant, but for any injury which arises by the act of another person in carrying into execution that which that other person has contracted to do for his benefit." Such also were the views expressed by Lord Tenterden and Littledale, J., in *Laugher v. Pointer*, (5 B. & Cr. 547), and acted upon in *Milligan v. Wedge*, (12 Ad. & El. 737); *Rapson v. Cubitt*, (9 M. & W. 710); *Martin v. Timberley*, (7 Jur., part 1, p. 150); and *Winterbottom v. Wright*, (10 M. & W. 109); and also in the courts of America. (See the judgment of Mr. Chief Justice Shaw in *Sproul v. Hemmingway*, 14 Pick. 71).

It seems, however, from *Ellis v. The Sheffield Gas Consumers Company*, (2 El. & Bl. 767), that where the relationship of employer and contractor subsists, and the contract is illegal, and the act done in pursuance of such illegal contract occasions an injury to a third person, the employer is liable for the damage done. And Erle, J., there said, "The act of the person who is here called the contractor was the act done by him under the special direction of the defendants; and that appears to me to distinguish this case from those in which the employer was held not liable for the act done by the contractor not in accordance with his contract."

## NOTES OF THE WEEK.

UPON the trial of Sir John Dean Paul and Messrs. Strahan and Bates at the Central Criminal Court on the 26th and 27th ult., for having unlawfully made away with and pledged certain securities intrusted to them as bankers under the 7 & 8 Geo. 4, c. 29, s. 49, it was contended on their behalf, that having, as bankrupts, made a disclosure of the whole transaction before the Court of Bankruptcy, they were protected under sect. 52. It appeared, however, that they themselves proffered the disclosure to the Court of Bankruptcy, and also that it was not full or true as to the specific offence now charged against them. The learned judges (Alderson, B., Martin, B., and Willes, J.) thereupon refused to reserve the point. A previous application had been made for leave to plead double, by pleading this defence and also a plea of "not guilty," but it was refused, as being altogether without precedent.

## CONSOLIDATION OF THE STATUTE LAW.

### EXTRACTS FROM THE APPENDIX TO THE REPORT OF THE COMMISSIONERS.

(Concluded from p. 419).

It was not, however, completed in time, and the Lord Chancellor was compelled to lay the Report on the table of the House of Lords in an imperfect state, in August, 1853. The actual printing and circulation of the Report was delayed until, I think, the month of January, 1854, in the hope that Mr. Coode would complete his work, and on the faith of repeated promises from him that he would do so; but at length, the Lord Chancellor's patience being exhausted, the rest of the Report was printed off and circulated, with a note by Mr. Coode that "the Digest of the Acts for the Relief of the Poor was contained in separate volumes, and would be circulated as soon as the letter-press was corrected."

Notwithstanding that the motives for which the printing of this digest had been originally authorised (namely, as a specimen of a peculiar mode of digesting the statute law) had by this time almost ceased to exist, yet further time was still extended to Mr. Coode, even till considerably after the Commission (which was only appointed for a year) had expired. But finally learning from the Queen's printers, about the end of May, 1854, that the work was still in an imperfect state, and that Mr. Coode was continuing to send partial additions or alterations, which would probably involve much additional expense, without any definite prospect of the work being completed, I thought it my duty to advise the Lord Chancellor to direct the printers not to proceed any further with it.

On the above-mentioned motion being made, I obtained from the printers, and caused to be returned to the House of Commons, the sheets of the work in the state in which it was when suspended. The House has not thought fit to order it to be printed, I believe.

My object in laying the foregoing observations before the Board has not been merely to defend myself against any personal charges, expressed or implied; but it has appeared to me that the other members of the Commission were entitled to be put in possession of the circumstances respecting the Expurgatory List, both because they may on the one hand be considered responsible for having neglected to publish it, and on the other for having published it, especially as the words "Statute-law Commission" have been printed on the cover, though, in fact, neither the late nor the present Board are in any way responsible for it.

June 13, 1855,

H. BELLenden KER.

[*The following paper is one of the Reports which have been prepared by me for the use of the Lord Chancellor, in discharge of the duty which I have undertaken (as was explained by his Lordship to the Board on the 7th February) of examining and reporting on all the Law Bills introduced in either House of Parliament. The Lord Chancellor has desired that it should be printed for the use of the Board, because many of the practical points which have recently been discussed by the Board come under consideration in the course of it.*—H. BUL-  
LNDEN KER.]

NOTE ON THE PERSONAL ESTATES OF INTESTATES BILL,  
1855.

[H. L., No. 126. Brought from Commons.]

It will be convenient to consider this bill under two different aspects:—

1. As a specimen of consolidation or rewriting of the statute law.

2. With reference to the alterations of the law which it is intended to effect.

1. Viewing the bill as a specimen of consolidation, and setting aside for the present all consideration of the alterations of the law introduced in it, it is to be observed, in the first place, that the whole statute law by which the distribution of the personal estates of intestates in England amongst the next of kin is regulated is comprised in one act, the 22 & 23 Car. 2, c. 10, with one alteration made by the 1 Jac. 2, c. 17, s. 7, and one probably unnecessary declaration in the Statute of Frauds, 29 Car. 2, c. 8, s. 25, that the first-mentioned act should not affect the right of husbands to administer to their wives' estates\*. This being the case, the necessity for any consolidation at all of that law is not very apparent.

One advantage, however, might be derived from repealing and re-enacting the statute law in a case like the present, namely, the improvement of the language in precision and conciseness, and the incorporation of those decisions by which the meaning of the terms in the old acts has been ascertained and fixed.

The acts of 22 & 23 Car. 2, c. 10, and 1 Jac. 2, c. 17, are extremely ill-drawn and verbose, and by no means provide in distinct terms for all the varieties of cases which have arisen and may arise in the course of administering the estates of intestates. Upwards of thirty pages of Williams on Executors (part 3, book 4) are filled with the decisions by which, in the course of two centuries, deficiencies have been supplied and doubts solved, until at length the law has been worked out in a tolerably complete and distinct manner. It might therefore be thought useful and proper to combine all the law thus elaborated in one well-drawn, clear, and complete statute. It appears, however, on examining the present bill, that its framers did not even attempt to produce either a well-drawn or a complete enactment, but contented themselves with merely repealing the old statutes, and then enacting them over again in the old words, without effecting any improvement, without omitting one word of the quantity of verbiage, or incorporating one of the great number of explanatory or supplementary decisions of which the old acts have been the subject.

It is conceived that such a bill is, in fact, not only useless, but very dangerous, and that it would be contrary to all principle to pass it. For, under the circumstances above stated, it is clear that this bill does

not represent the existing state of the law at all. The law at present consists of the old acts, with the addition of all the judicial legislation (as it may be termed) of the last two centuries; and if the old acts are repealed, the decisions on them must fall with them, and the new act will have to be construed anew; or if it be said that the old decisions are to be still applicable to the new act, that will be in reality equivalent to saying that this new act shall be to all intents and purposes the same thing as the old acts; and if so, it will not be easy to ascertain the use or the effect of this repeal and re-enactment. Even if there had not been a single judicial decision on the subject there could be no justification for deliberately re-enacting what is admitted on all hands to be very ill-drawn and very imperfect. Unless it is to be improved, and the deficiencies supplied, it should at least be left untouched; but in a case like the present the impropriety is much greater. What would be thought of a proposal to repeal the Statute of Frauds, and then to make a new law in the old words, without any reference to all that has been contributed to the law on the subject by the decided cases?

It has been stated on behalf of the bill, that, "if passed, it will save much trouble to every one who has occasion to refer to the acts relating to the personal estates of intestates, for he will see at a glance in one short bill the whole law, without having to refer to several acts scattered over many volumes." It will be evident, however, from the preceding remarks, that this bill will not shew at a glance the whole law, and will only mislead any one who is induced to suppose that it does; and it will, in fact, afford no assistance either to the general public or to the professed lawyer.

2. The foregoing observations have been made on the bill, regarding it as a specimen of consolidation or new exposition of the existing law; but it is also intended to effect some changes in the law, and these it next becomes necessary to consider.

It is stated that the object of the bill is, first, to abolish the customs of London and York and other places; secondly, to deal with the personal estate of an intestate mother who advances a child, in the same way as the statute now does with that of an intestate father who advances a child; and, thirdly, to treat as an advancement the inheritance which under the custom of borough English descends to the youngest son\*.

Setting aside for the present any inquiry as to the expediency of these alterations, it is proposed to consider the mode in which this bill attempts to effect them.

1. As to the abolition of the customs, no mention at all of these customs is to be found in the bill, but it is nevertheless alleged that they are repealed thereby, on the following grounds:—The act of 22 & 23 Car. 2, c. 10, of which this bill is for the most part a reproduction, contains a clause, "that this act, or anything herein contained, shall not in any ways prejudice or hinder the customs observed within the city of London, or within the province of York, or other places having known and received customs peculiar to them, but that the same customs may be observed as formerly, anything herein contained to the contrary notwithstanding."

This clause is not repeated in the present bill, and it seems to be considered that this omission is sufficient to effect a repeal of the customs in question. It is, however, on the contrary, submitted that this is no repeal of the customs at all; or, at any rate, that it would be a matter of serious doubt whether it is a repeal or not. It is a known rule of construction that enactments of a general nature do not repeal private or local laws to which they do not specially refer: the exception, therefore, in the act of Car. 2 was probably superfluous, though

\* It would appear from the table of contents prefixed to the bill, that parts of two other acts are included in the consolidation—29 Car. 2, c. 31, s. 25, and 1 Jac. 1, c. 17, s. 7; but these are only misprints for the acts already mentioned. It may be added here, that the description given in this table of the contents of the 6th clause is quite inaccurate, and even unintelligible.

\* Gavelkind should apparently have been added.

it was rightly inserted to prevent doubt; and the omission of the exception in this bill, without any declaration of what was intended by that omission, can hardly be sufficient to effect the intended object, especially as the repeal of these very customs in cases of testacy has been effected by express enactments—4 Will. & M. c. 2; 7 & 8 Will. 3, c. 38; and 11 Geo. 1, c. 18; which last-mentioned act, moreover, (relating to the custom of London), expressly preserves the custom in cases of intestacy, by its 18th section; or, even admitting that it could be established by ingenious arguments that such an omission was equivalent to a repeal, what reason is there for effecting by elaborate inferences from peculiarities of construction, and comparisons with a former act "in pari materia," what might be done easily, clearly, and effectually by a simple declaration of the intention that the customs should be repealed?

2 and 3. As to the extension of the rules as to advancements to the case of advancement by the mother, this seems to be properly effected; but the way in which the same rules are extended to lands descending on a younger son by the custom of borough English is open to objection. It is effected thus—the act of Car. 2 provides, that in case any child other than the heir-at-law shall have any estate by settlement from the intestate, or shall be advanced by the intestate in his lifetime, such estate must be brought into hotchpot before such child takes any share of the intestate's personal estate; and the way in which the proposed alteration of the law is effected is by adding the words "by descent;" so that the passage runs, "other than such child or children (not being heir-at-law) who shall have any estate *by descent* or by settlement," &c. It is conceived that though the meaning of this provision might perhaps be arrived at by a good lawyer after some consideration, it is not expedient to make alterations in the law in this uncertain manner, and that it would be more proper to express distinctly the intention of the Legislature. It may be added, that there is some ground to contend that the terms used are altogether inadequate, for it may be said that "heir-at-law" is not equivalent (as it seems to be here considered) to "eldest son," but has no meaning except with reference to something to be inherited, and that a youngest son is just as much "heir-at-law" of lands subject to the custom of borough English as an eldest son is heir-at-law of other lands; in which case, to speak of a child taking by descent, not being heir-at-law, is a contradiction in terms.

Passing to the expediency of these alterations of the law, the intended repeal of the customs of York and London seems advantageous; but with regard to the extension of the rule as to advancements, it is submitted, that though, if retained as to a father's estate, it is reasonable that it should be extended to a mother's, it would be far better to repeal the rule as to both, as it is inconvenient, leads to doubts and family disputes, and probably defeats the intentions and expectations of the parents.

In addition to the general objections above urged, there are several points of detail in which the bill is open to animadversion.

In the first place, as an alteration in the testamentary jurisdiction of the country is so immediately contemplated, this seems an inappropriate time for re-enacting the old rules as to the mode of granting administration, the form of administration bonds, &c.

Secondly, if it was proper to re-enact the provision of the 22 & 23 Car. 2, c. 10, as to administration bonds, &c., there are some other old enactments which ought to have been incorporated and repealed, as the 31 Edw. 3, st. 1, c. 11; 21 Hen. 3, c. 5; 45 Eliz. c. 8; and the 30 Car. 2, st. 1, c. 7.

Thirdly, as regards the extension of this bill to Ireland, I am not able to judge whether it has been accu-

ately and completely effected. I may, however, observe that it would seem that the 7th and 8th sections of the Irish act, which represent the 6th and 7th sections of the English act of James II, ought to have been repealed as well as the first six.

Other small inaccuracies make it appear that the bill has been hastily and carelessly drawn. The 5th section begins, "That there be no representation," &c., whereas the form of the other sections is different: in the 7th section "his" is put for "her."

The general absence of any attempt to make the language plain and concise has been already noticed.

## Court Papers.

### EQUITY SITTINGS, MICHAELMAS TERM, 1855.

#### Court of Chancery.

Before the LORD CHANCELLOR, at Westminster.

Friday ..... Nov. 2 Appeal Motions and Appeals.

At Lincoln's Inn.

Saturday ..... 3 Petitions and Appeals.

Monday ..... 5

Tuesday ..... 6

Wednesday ..... 7

Thursday ..... 8

Friday ..... 9

Saturday ..... 10

Monday ..... 12

Tuesday ..... 13

Wednesday ..... 14

Thursday ..... 15

Friday ..... 16

Saturday ..... 17

Monday ..... 19

Tuesday ..... 20

Wednesday ..... 21

Thursday ..... 22

Friday ..... 23

Saturday ..... 24

Monday ..... 26

Appeals.

Appeal Motions and Appeals.

Appeals.

Appeal Motions and Appeals.

Appeals.

Appeal Motions and Appeals.

Appeals.

Appeal Motions and Appeals.

Appeals.

Appeal Motions and Appeals.

Appeals.

Appeal Motions and Appeals.

Appeals.

Appeal Motions and Appeals.

Before the LORDS JUSTICES, at Westminster.

Friday ..... Nov. 2 Appeal Motions.

At Lincoln's Inn.

Saturday ..... 3 Petitions in Lunacy and Bankruptcy, and Appeal Motions.

Monday ..... 5

Tuesday ..... 6

Wednesday ..... 7

Thursday ..... 8

Friday ..... 9

Saturday ..... 10

Monday ..... 12

Tuesday ..... 13

Wednesday ..... 14

Thursday ..... 15

Friday ..... 16

Saturday ..... 17

Monday ..... 19

Tuesday ..... 20

Wednesday ..... 21

Thursday ..... 22

Friday ..... 23

Saturday ..... 24

Monday ..... 26

Appeals.

Petitions in Lunacy and Bankruptcy, and Appeal Petitions.

Appeals.

Appeal Motions and Appeals.

Appeals.

Appeal Motions and Appeals.

Appeals.

Petitions in Lunacy and Bankruptcy, and Appeal Petitions.

Appeals.

Appeal Motions and Appeals.

Appeals.

Petitions in Lunacy and Bankruptcy, and Appeal Petitions.

Appeals.

Appeal Motions.

*Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.*

Friday ..... Nov. 2 Motions.

*At Chancery-lane.*

Saturday .....	3	Petitions in General Paper.
Monday .....	5	
Tuesday .....	6	
Wednesday .....	7	Pleas, Demurrers, Causes, Claims,
Thursday .....	8	Further Directions, and Exceptions.
Friday .....	9	
Saturday .....	10	
Monday .....	12	Motions.
Tuesday .....	13	
Wednesday .....	14	Pleas, Demurrers, Causes, Claims,
Thursday .....	15	Further Directions, and Exceptions.
Friday .....	16	
Saturday .....	17	
Monday .....	19	Motions.
Tuesday .....	20	
Wednesday .....	21	Pleas, Demurrers, Causes, Claims,
Thursday .....	22	Further Directions, and Exceptions,
Friday .....	23	
Saturday .....	24	Petitions in General Paper.
Monday .....	26	Motions.

N.B.—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday, the Unopposed Petitions to be taken first.

Notice.—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Westminster.*

Friday ..... Nov. 2 Motions.

*At Lincoln's Inn.*

Saturday .....	3	Short Causes, Short Claims, & Causes.
Monday .....	5	
Tuesday .....	6	Pleas, Demurrers, Exceptions, Causes,
Wednesday .....	7	Claims, and Further Directions.
Thursday .....	8	
Friday .....	9	Petitions and General Paper.
Saturday .....	10	Short Causes, Short Claims, & Causes.
Monday .....	12	Motions and General Paper.
Tuesday .....	13	Pleas, Demurrers, Exceptions, Causes,
Wednesday .....	14	Claims, and Further Directions.
Thursday .....	15	
Friday .....	16	Petitions and General Paper.
Saturday .....	17	Short Causes, Short Claims, & Causes.
Monday .....	19	Motions and General Paper.
Tuesday .....	20	Pleas, Demurrers, Exceptions, Causes,
Wednesday .....	21	Claims, and Further Directions.
Thursday .....	22	
Friday .....	23	Petitions and General Paper.
Saturday .....	24	Short Causes, Short Claims, & Causes.
Monday .....	26	Motions and General Paper.

*Before Vice-Chancellor Sir J. STUART, at Westminster.*

Friday ..... Nov. 2 Motions.

*At Lincoln's Inn.*

Saturday .....	3	Short Causes and Claims, and General Paper.
Monday .....	5	
Tuesday .....	6	Pleas, Demurrers, Exceptions, Causes,
Wednesday .....	7	Claims, and Further Directions.
Thursday .....	8	
Friday .....	9	Petitions and General Paper.
Saturday .....	10	Short Causes and Claims, and General Paper.
Monday .....	12	Motions and General Paper.
Tuesday .....	13	
Wednesday .....	14	Pleas, Demurrers, Exceptions, Causes,
Thursday .....	15	Claims, and Further Directions.
Friday .....	16	Petitions and General Paper.
Saturday .....	17	Short Causes and Claims, and General Paper.

Monday .....	19	Motions and General Paper.
Tuesday .....	20	
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Thursday .....	22	Claims, and Further Directions.
Friday .....	23	Petitions and General Paper.
Saturday .....	24	Short Causes and Claims, and General Paper.
Monday .....	26	Motions and General Paper.

*Before Vice-Chancellor Sir W. P. WOOD, at Westminster.*

Friday ..... Nov. 2 Motions.

*At Lincoln's Inn.*

Saturday .....	3	Petitions, Short Causes and Claims, and General Paper.
Monday .....	5	
Tuesday .....	6	Pleas, Demurrers, Exceptions, Causes,
Wednesday .....	7	Claims, and Further Directions.
Thursday .....	8	
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Thursday .....	22	Claims, and Further Directions.
Friday .....	23	
Saturday .....	24	Petitions, Short Causes and Claims, and General Paper.
Monday .....	26	Motions and General Paper.

**EQUITY CAUSE LISTS, MICHAELMAS TERM, 1856.**

\*. \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*SH.* Short.

**Court of Chancery.**

*Before the LORDS JUSTICES.*

**APPEALS.**

Lake v. Brutton (3) <i>After T.</i>	Cobbett v. Brock
Bulkeley v. Hope, <i>Hil. Term</i>	Bewley v. Hancock
Baker v. Bradley (Part heard)	Shaw v. Fisher
Hope v. Corporation of Gloucester	Hele v. Bexley (12)
Bold v. Hutchinson	Simpson v. Chapman
Single v. Terrell	Jebb v. Tugwell
Hindle v. Taylor	Scales v. Maude
Edwards v. Hall (3)	Nantes v. Terrell
Hunt v. Dorsett	Wilshire v. Norfolk Railway Co.
Corley v. Lord Stafford	Bartlett v. Salmon
Wickenden v. Rayson	Turner v. Irlam
Horsfield v. Ashton	Foster v. Cantley
Worthington v. Wiginton	Mortimer v. Mortimer (2)
Band v. Fardell	Pariente v. Lubbock
Rabbeth v. Foreman	Stoddart v. Nelson (2)
Field v. Brown (5)	Maybery v. Brooking
Horsfield v. Ashton	Attorney-Gen. v. Stephens
Youle v. Cose	Cowlishaw v. Harding.
Collinson v. Lister (2)	

*Before the Right Hon. the MASTER OF THE ROLLS.*

**CAUSES, &c.**

Att.-Gen. v. Blizard (M for decree)	Davies v. Hodgson (E to ans.)
	Irby v. Irby (3) (F D, C, Ptn)

Timewell v. Browne (Cause)  
 Stewart v. Orchard (M for decree)  
 Stewart v. Grapel (Cause)  
 Baxter v. Ritchie (Cause)  
 Fenwick v. Kirkpatrick (M for decree)  
 Lough v. Clark (M for decree)  
 Skey v. Butter (M for decree)  
 Pasmore v. Huggins (M for decree)  
 Spurgin v. Withaim (M for decree)  
 Gouldin v. Howell (Cause)  
 Marryat v. Marryat (M for decree)  
 Marryat v. Marryat (Cause)  
 Thompson v. Armitage (Cau.)  
 Clapham v. Manby (M for decree)  
 Earl of Craven v. Ure (M for decree)  
 Philpot v. St. George's Hospital (Cause)  
 Hope v. Liddell (Cause)  
 Liddell v. Norton (M for decree)  
 Hartopp v. Hartopp (M for decree)  
 Bowyer v. Fern (Further consideration) *SA*  
 Wedderburn v. Wedderburn (5) (E, F, D, C)  
 Wedderburn v. Wedderburn (5) (E, F, D, C)  
 Wedderburn v. Wedderburn (5) (E, F, D, C)  
 Dolman v. Nokes (Cause)  
 Davies v. Dunkin (Cause)  
 Att.-Gen. v. Master, &c. of Trinity College, Cambridge (Cause)  
 Payne v. Little (Cause)  
 Walker v. Armstrong (Cause)  
 Willes v. Greenhill (Cause)  
 Anacrum v. Miller (Cl)  
 Tepper v. Whitelock (Cl)  
 Abbot v. Middleton (M for decree)  
 Moxon v. Moore (M for dec.)  
 Whitworth v. Brogden (2) (E of plaintiff)  
 Whitworth v. Brogden (2) (E of def. J. Brogden)  
 Whitworth v. Brogden (2) (F, D, C)  
 Billingham v. Norrish (M for decree)  
 Samuel v. Ward (M for decree)  
 Haddelsey v. Adams (Cause)  
 Palmer v. Mills (Cause)  
 Purdue v. Sharp (M for dec.)  
 Tanner v. Heard (M for dec.)  
 Danford v. Pell (M for decree)  
 Brown v. Blenkinsop (Cause)  
 Bond v. Bourdillon (M for decree)  
 Seaman v. Woods (M for dec.)  
 Hughes v. Naylor (Cause)  
 Westcar v. Westcar (M for decree)  
 Smith v. Caulfield (M for dec.)  
 Ripley v. Hampstead Junction Railway Co. (Cause)  
 Wilkinson v. Wilkinson (Cl)  
 Malcolm v. Malcolm (Cause)  
 Chichester v. Chichester (Cl)  
 Barron v. Nicholls (Cause)  
 Jones v. Robinson (E)  
 Harell v. Wright (Cl)  
 Field v. Simpson (Cl)

Johnson v. Morton (M for decree)  
 Wilson v. Emmet (Cause)  
 Nanney v. Williams (M for decree)  
 Danby v. Hotham (Cause)  
 Smith v. Oakes (M for decree)  
 Musgrove v. Smith (2) (Cause)  
 Banks v. Rooksby (M for dec.)  
 Brockley v. Booth (Cl)  
 Griffith v. Titley (Cl)  
 Stevenson v. Long (M for decree)  
 Fryer v. Fryer (2) (M for dec.)  
 Harrison v. Tennant (M for decree)  
 Hill v. Merrett (M for decree)  
 Marlow v. Warwick (2) (Cau.)  
 Preston v. Webb (M for dec.)  
 Harford v. Criddle (Further consideration)  
 King v. Vials (F D, C)  
 Official Managers of the New-castle, &c. Banking Co. v. Gibbon (Further considera.)  
 Scott v. Jackman (Cl)  
 Clarke v. Mansfield (Further consideration)  
 In re Mary Gambrell, deceased  
 Goldfinch v. Bartlett (Further consideration)  
 Greaves v. Neilson (Cause)  
 Howes v. Francis (M for decree) *SA*  
 Winniett v. Chard (F D, C)  
 Read v. Gooding (Special case)  
 Falkner v. Jeffery (M for dec.)  
 Wrigley v. Sykes (Cause)  
 Curzon v. Bromley (3) (F D, C)  
 Robinson v. Anderson (Further consideration)  
 In re Gawne  
 Pedder v. Gelling (Further consideration)  
 Wilkinson v. Crook (Cause)  
 Watson v. Moore (Further consideration)  
 In re John Hodgson  
 Hodgson v. Kay { (Further consid., Summs.)  
 In re Stanhope  
 Good v. Gray (Further consideration)  
 Gardner v. Eyton (F D, C)  
 Heath v. Lewis (2) (Further consideration)  
 Ellis v. Clough (Cause)  
 Tyndall v. Annesley (Cause)  
 Scotland v. Johnson (Cl)  
 Williams v. Page (Cause)  
 Birds v. Askey (Cause)  
 Parr v. Brown (Cause)  
 Price v. Loaden (Cause)  
 Matthews v. Miller (5) (F D, C)  
 Blake v. Mowatt (Cause)  
 Higgins v. Green (Cl)  
 Phillips v. Hewlett (M for decree)  
 Blagden v. Sibery (M for decree)  
 Danger v. Kittow (Cl)  
 Goodman v. Joze (M for dec.)  
 Tyndale v. Wilkinson (M for decree)  
 Morgan v. M'Mahon (Further consideration)  
 Alder v. Walters (M for decree)

Ommanney v. Stilwell (Cause) *SA*  
 Curlewis v. Earl of Mornington (M for decree)  
 Hanbury v. Tyrell (Cause)  
 Martin v. Brunning (Cause) *SA*  
 Lindus v. Davies (Cause) *SA*  
 Rooth v. Rooth (M for decree)  
 Friend v. Grove (2) (Further consideration) *SA*

#### Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.

##### CAUSES, &c.

Church v. Marryat (Cause, part heard)  
 Ramsden v. Hirst (M for decree, part heard)  
 Eckford v. Rooms (F D, C, part heard)  
 Saunders v. Saunders (D)  
 Saunders v. Saunders (D)  
 Saunders v. Saunders (D)  
 Lord v. Colvin (Cause)  
 Colvin v. Lord (Cause)  
 Tennant v. Parker (Cause)  
 Jenkyn v. Vaughan (Cause)  
 Andrews v. Pugh (Cause)  
 Clavering v. Ellison (Cause)  
 Jordan v. Frost (M for decree)  
 Smith v. Foster (Cause)  
 Taylor v. Taylor (M for dec.)  
 Durning v. Mather (Cl)  
 Newman v. Cook (Cl)  
 Byam v. Wellum (2) (Cause)  
 Deeks v. Stanhope (4) (Cause)  
 Bunny v. Turner (Cause)  
 Woodhouse v. Slater (Cl)  
 Ross v. Raven (Cause)  
 Fallows v. Lowe (M for decree)  
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#### Before Vice-Chancellor Sir J. STUART.

##### CAUSES, &c.

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Before Vice-Chancellor Sir W. P. Wood.

CASES, &c.

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 Crofts v. Middleton (Cause)  
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 M'Murray v. Spicer (Cause)  
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 Cogswell v. Armstrong (M for decree)  
 Deane v. Strachan (Cause)  
 Lady Walsley v. Earl Morrington (Cause)  
 Blagrove v. South (Cause)  
 Fox v. Platt (Special case)  
 Atcherley v. Du Moulin (Special case)  
 Raworth v. Parker (M for decree)  
 Woodcock v. Coughman (M for decree)  
 Purday v. Parday (Cl)  
 Meek v. Hobden (M for dec.)

Nov. 13 (and *not* Nov. 30, as advertised in last Tuesday's Gazette) at 11, Liverpool, div. sep. est. of *John David Neill*.—*Andrew Dempster*, Liverpool, stonemason, Nov. 16 at 11, Liverpool, div.—*Thomas Clements*, St. Helens, Lancashire, grocer, Nov. 16 at 11, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas George Shaw* and *Joseph Lane*, Old Broad-street, London, and Manchester, wine merchants, Nov. 16 at half-past 11, London.—*Vincent Snook* and *John Thomas Snook*, King-street, Hammersmith, linendrapers, Nov. 16 at half-past 1, London.—*Thomas Barnes*, Southampton, woollendrapers, Nov. 27 at half-past 12, London.—*Henry Paine*, Strand and Charing-cross, and Duddington-lodge, Battersea-fields, Battersea, tailor, Nov. 20 at half-past 11, London.—*T. Williams*, Truro, Cornwall, draper, Dec. 6 at 1, Exeter.—*James Meadows* and *Richard E. Bibby*, Manchester, lime merchants, Nov. 21 at 12, Manchester.—*Bryan Kiernan*, Manchester, clothier, Nov. 21 at 12, Manchester.—*Wifred Latham*, Liverpool, commission merchant, Nov. 16 at 11, Liverpool.—*Wm. R. Forster*, Rock Ferry, Cheshire, and Liverpool, ferry proprietor, Nov. 19 at 11, Liverpool.—*Abraham Taylor*, Halifax, lime merchant, Nov. 19 at 1, Leeds.—*Henry Hudson*, Huddersfield, cattle dealer, Nov. 16 at 11, Leeds.—*Henry Beauvoisin*, Sheffield, file manufacturer, Nov. 17 at 12, Sheffield.—*Bryan Hebdon*, Filey, Yorkshire, innkeeper, Nov. 16 at 11, Leeds.—*Aaron Marks*, Sheffield, merchant, Nov. 17 at 12, Sheffield.—*Wm. Marshall* and *Wm. Smith*, Sheffield, edge tool manufacturers, Nov. 17 at 12, Sheffield.—*Joseph Meete*, Sheffield, draper, Nov. 17 at 12, Sheffield.—*Wm. J. Mackenzie*, Clay-cross, Derbyshire, surgeon, Nov. 17 at 12, Sheffield.

*To be granted, unless an appeal be duly entered.*

*Thomas John Lalimer*, Brighton, clothier.—*John B. Sergeant*, Portsmouth, wine merchant.—*James Henry Langdon*, Exeter, merchant.—*Joseph Whittle*, St. Helens, Lancashire, provision dealer.—*James Potts*, Monks Copenhall, Cheshire, brickmaker.—*Richard Goodacre*, Nottingham, grocer.—*J. Hall*, Nottingham, broker.

#### TUESDAY, Oct. 30.

##### BANKRUPTS.

**ROBERT TAYLER**, Watts-terrace, Old Kent-road, Camberwell, baker, Nov. 14 and Dec. 4 at half-past 1, London: Off. Ass. Graham; Sol. Sandom, Duke-street, London-bridge.—Pet. f. Oct. 26.

**FREDERICK LONG**, King-street, Cheapside, and Ironmonger-lane, dealer and chapman, (carrying on business under the style or firm of *Thomas Lamb Atkinson*, and also at Manchester, under the style or firm of *Oliver Long & Co.*, and residing at Earl's-court, Old Brompton, Middlesex), Nov. 13 at half-past 12, and Dec. 4 at 12, London: Off. Ass. Lee; Sols. Smith & Co., 3, Basinghall-street.—Pet. f. Oct. 26.

**STEPHEN STRINGER**, Nottingham-street, St. Marylebone, coach ironmonger, Nov. 13 at half-past 1, and Dec. 11 at 12, London: Off. Ass. Lee; Sols. Bicknell & Bicknell, 79, Connaught-terrace, Edgware-road.—Pet. f. Oct. 29.

**WILLIAM LOWE**, Birmingham, dealer and chapman, Nov. 10 and Dec. 1 at 11, Birmingham: Off. Ass. Christie; Sol. Cast, Birmingham.—Pet. d. Oct. 27.

**JOHN GRIFFITHS**, Wednesfield, Staffordshire, iron dealer, Nov. 14 and Dec. 3 at half-past 10, Birmingham: Off. Ass. Whitmore; Sols. Motteram & Knight, Birmingham.—Pet. d. Oct. 25.

**WILLIAM TAMBLING**, Stoke, Stoke Damerel, Devonshire, builder, Nov. 12 and Dec. 17 at 1, Plymouth: Off. Ass. Hirtzel; Sols. Beer & Rundle, Devonport; Hartnoll, Exeter.—Pet. f. Oct. 22.

**THOMAS FRANCIS FEATHERSTONE**, York, dealer and chapman, Nov. 9 and Dec. 14 at 11, Leeds: Off. Ass. Young; Sols. Holtby, York; Bond & Barwick, Leeds.—Pet. d. Oct. 26.

**MARY SHOOTER**, otherwise **ANN BUCKLOW**, Sheffield, licensed victualler, Nov. 3 and Dec. 8 at 12, Sheffield: Off. Ass. Brewin; Sol. Fretson, Sheffield.—Pet. d. Oct. 15.

**JOSEPH BROWN**, Weymouth, Dorsetshire, leather seller, Nov. 13 and Dec. 11 at 1, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Pet. f. Oct. 26.

#### MEETINGS.

*Thomas George Shaw* and *Joseph Lane*, Old Broad-street, London, and Manchester, merchants, Nov. 9 at half-past 11, London, aud. ac.—*Vincent Snook* and *John Thomas Snook*, King-street, Hammersmith, linendrapers, Nov. 9 at half-past 11, London, aud. ac.—*Francis Blackwell*, Peterborough, Northamptonshire, currier, Nov. 10 at 1, London, aud. ac.—*John Dawson*, High-street, Shadwell, tobaccoconist, Nov. 10 at half-past 2, London, aud. ac.—*Jacob Frankenstein*, Bishopsgate-street Within, tobaccoconist, Nov. 10 at half-past 2, London, aud. ac.—*William Grant*, Brighton, newsvender, Nov. 9 at half-past 11, London, aud. ac.—*James Gutteridge*, Elizabeth-street, Eaton-square, horse dealer, Nov. 9 at half-past 11, London, aud. ac.—*James Standing*, Batten's-terrace, High-street, Peckham, china dealer, Nov. 9 at half-past 11, London, aud. ac.—*Louis Lichtenstein*, Great St. Helens, London, merchant, Nov. 15 at 1, London, aud. ac.—*Solomon Clegg* and *James Fos*, Newcastle-upon-Tyne, woollen manufacturers, Nov. 27 at 11, Newcastle-upon-Tyne, aud. ac.—*John David Neill* and *Henry Sanderson*, Liverpool, ship brokers, Nov. 12 at 11, Liverpool, aud. ac.—*William Parry*, Newtown, Montgomeryshire, tailor, Nov. 12 at 11, Liverpool, aud. ac.—*Thos. Parker*, Southport, Lancashire, hotel keeper, Nov. 12 at 11, Liverpool, aud. ac.—*Philip Rufford*, *Francis Rufford*, and *Charles John Wragge*, Stourbridge, Worcester-shire, bankers, Nov. 21 at half-past 10, Birmingham, aud. ac.; Nov. 28 at half-past 10, div. sep. ests. of *Philip Rufford* and *Francis Rufford*.—*John Roberts*, Tivdale Wireworks, near Dudley, Worcestershire, wire drawer, Nov. 26 at half-past 10, Birmingham, aud. ac.—*Wm. Johnstone*, Birmingham, miller, Nov. 22 at 11, Birmingham, aud. ac.—*Robert Turner*, Birmingham, gas lamp manufacturer, Nov. 22 at 11, Birmingham, aud. ac.; Nov. 29 at 11, div.—*William Ramsey*, Coventry, tailor, Nov. 22 at 11, Birmingham, aud. ac.—*Alfred Reynolds*, Birmingham, iron merchant, Nov. 22 at 11, Birmingham, aud. ac.—*Joseph Baxter*, Birmingham, builder, Nov. 22 at 11, Birmingham, aud. ac.—*Richard Russell*, Leamington Priors, Warwickshire, printer, Nov. 22 at 11, Birmingham, aud. ac.; Nov. 29 at 11, div.—*John Bailey*, Cannock, Staffordshire, baker, Nov. 22 at 11, Birmingham, aud. ac.; Nov. 29 at 11, div.—*Wm. Marshall* and *Wm. Smith*, Sheffield, edge tool manufacturers, Nov. 10 at 12, Sheffield, aud. ac.—*John Howard*, Norwich, butcher, Nov. 20 at 12, London, fin. div.—*Benjamin Peach*, Gravesend, discount broker and commission agent, Nov. 21 at 1, London, div.—*Thomas Webber Richards*, Goswell-road, Middlesex, linendrapers, Nov. 21 at 1, London, div.—*John Barrington Elworthy*, Bridgewater, Somersetshire, draper, Nov. 23 at half-past 11, London, div.—*John Walley*, Derby, boiler maker, Nov. 27 at 10, Nottingham, div.—*Joseph Wilson Brooke* and *Joseph Wilson*, Liverpool, merchants, Nov. 21 at 11, Liverpool, fin. div.—*Clifford Firth* and *John Archer*, Liverpool, brokers, Nov. 21 at 11, Liverpool, div. joint est., and div. sep. est. of *Clifford Firth*.—*D. Ainsworth*, Manchester, warehouseman, Nov. 21 at 12, Manchester, div.—*Robert Robinson*, Manchester, provision dealer, Nov. 22 at 12, Manchester, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Herman Hirschberg*, Cheapside, merchant, Nov. 20 at 11, London.—*Thos. Brown*, Great Guildford-street, Southwark, brass founder, Nov. 22 at half-past 11, London.—*T. Godfrey*, Forston-street, Shepherdess-fields, egg merchant, Nov. 21 at 1, London.—*Thomas Bacon*, Colchester, Essex, printer, Nov. 21 at 12, London.—*John W. P. Graham*, King's-road, Chelsea, insurance broker, Nov. 23 at half-past 1, London.

*To be granted, unless an Appeal be duly entered.*

*James Standing*, Battens-terrace, High-street, Peckham, china dealer.—*William Whaley*, Charles-street, Camberwell New-road, builder.—*John Solomon*, Circus, Minorities, general merchant.—*Henry Ellis Skinner*, Tiverton, Devonshire, saddler.—*Thomas Crowden Tiptaft*, Taunton, Somersetshire, druggist's assistant.

#### PETITION ANNULLED.

*Enoch Jones*, Finsbury-terrace, City-road, mercer.

#### PARTNERSHIP DISSOLVED.

*William Stockley*, *James Thompson*, and *Barton Wrigley*, Liverpool, attornies.



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# The Jurist

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## MEETINGS.

*George Prince and James Prince, Regent-street, and Carlton-street, Regent-street, wine merchants, Nov. 14 at 1, London, last ex.—Thomas Rowledge and Joseph Rowledge, Lett's Wharf, Commercial-road, Lambeth, saw mills proprietors, Nov. 15 at 11, London, and ad. se. joint est., and ad. se. sep. est. of Thomas Rowledge.—William Hart, Old-street, St. Luke's, licensed victualler, Nov. 20 at half-past 12, London, and ad. se.—John Deane, Liverpool, chemist, Nov. 13 at 11, Liverpool, and ad. se.—Andrew Dempster, Liverpool, stonemason, Nov. 16 at 11, Liverpool, and ad. se.—Francis Lloyd Bayley and Samuel Milner Barton, Manchester, smallware manufacturers, Nov. 23 at 12, Manchester, and ad. se.; Nov. 30 at 12, div.—Thomas Deane, Blackburn, Lancashire, draper, Nov. 16 at 12, Manchester, and ad. se.; Nov. 23 at 12, div.—Martin Brown and Robert Ingham, Rawtenstall, Lancashire, power-loom cloth manufacturers, Nov. 13 at 12, Manchester, and ad. se.—David Ainsworth, Manchester, warehouseman, Nov. 14 at 12, Manchester, and ad. se.—James Ogil Holmes, Sunderland, and Young Lawson Marshall, Roker, Durham, timber merchants, Nov. 23 at half-past 11, Newcastle-upon-Tyne, and ad. se., and Nov. 28 at half-past 12, div. sep. est. of Young Lawson Marshall.—T. Fiddes Meyrick, Wolverhampton, commission agent, Nov. 12 at half-past 10, Birmingham, and ad. se.—Thomas Edwards, Shrewsbury, builder, Nov. 12 at half-past 10, Birmingham, and ad. se.—John Fell and John Leavoyd, Huddersfield, Yorkshire, woollen manufacturers, Nov. 15 at 11, Leeds, and ad. se. joint est., and ad. se. sep. est. of John Leavoyd.—William Jennings, Bradford, Yorkshire, linendraper, Nov. 15 at 11, Leeds, and ad. se.—Fred. Dimdale, King's Arms-yard, Coleman-street, dealer in iron, Nov. 23 at 1, London, div.—R. Goodacre, Nottingham, grocer, Nov. 27 at half-past 10, Nottingham, and ad. se. and div.—Thomas Freer, Leicester, wine merchant, Nov. 27 at half-past 10, Nottingham, and ad. se. and div.—William Brodrieck Miskelfe, Teanum-place, Regent's-park, dealer in mining shares, Nov. 23 at 11, London, div.—Clifford Firth and John Archer, Liverpool, brokers, Nov. 21 at 11, Liverpool, div. sep. est. of John Archer, (not div. joint est., as advertised in last Tuesday's Gazette).—Wm. Broadhurst and William Marshall Broadhurst, Sheffield, table-knife manufacturers, Nov. 24 at 12, Sheffield, div.*

## CERTIFICATES.

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## TUESDAY, Nov. 6.

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THE JURIST.

LONDON, NOVEMBER 10, 1855.

It is a matter of no small importance to a commercial community that the rules of law which govern mercantile transactions should be founded on principles at once reasonable and intelligible. To no part of our mercantile law does this remark apply with greater force than to that which relates to the transfer of negotiable instruments\*. It is obvious that the business of our merchants and traders would be most seriously impeded if it were necessary for them, previously to taking bills of exchange or promissory notes, to make inquiries as to the consideration which had passed between prior parties whose names might appear upon them. The law, therefore, *prima facie* presumes that a bill or note is given on a sufficient consideration. This presumption, however, may be rebutted, but the onus of proving a want of consideration, as a general rule, lies on him who impugns it. An illustration of the exceptions to this rule is afforded by the recent case of *Fitch v. Jones*, (1 Jur. N.S., part 1, p. 854; 24 L. J., Q. B., 293). In that case an action was brought on a promissory note drawn by Jones &

Co., and payable to one Needham, and by him indorsed to Taylor, who indorsed it to the plaintiff. The defendants pleaded that they and Needham had entered into certain bets upon the amount of hop duty that would be payable in 1854, and that the bill was given for the balance of money due upon such bets, and that the indorsees respectively had notice of the premises, and that there was no value or consideration for the note. At the trial of the cause, Coleridge, J., told the jury that it was necessary for the defendants to establish either one of three propositions—first, that the plaintiff had notice of the origin of the note when he took it; or, secondly, that the plaintiff gave no value for the indorsement; or, thirdly, that the note was overdue when he took it. No evidence was given by the defendants to establish any of these facts, and the jury found a verdict for the plaintiff. A rule was afterwards obtained for a new trial, on the ground that the judge had misdirected the jury as to the onus of proof. The Court ruled that there had been no misdirection; and Lord Campbell, C. J., in giving judgment as to whether, in cases of this kind, it lies upon the plaintiff or the defendant to give evidence of value, said, "This depends upon whether there is a presumption of law that there was no consideration, which the plaintiff is bound to rebut. Where fraud or illegality is established there is such a presumption, because in such cases the law supposes that the original party,

\* Mr. Sergeant Byles, in his excellent work on Bills of Exchange, (6th ed., p. xii), calculates the value of bills and notes stamped in a single year in this country at 300,000,000l.

not being able to sue upon the instrument himself, has handed it over to another to sue upon it for his benefit. This presumption so raised by the law must be rebutted by the holder shewing affirmatively that he gave value. It is not quite correct to say that the onus of proving value is cast upon the plaintiff; but the plaintiff, being presumed to stand in the shoes of the party from whom he took the instrument, and to be his agent for the purpose of carrying out the fraudulent or illegal intention, is bound to get rid of that presumption. But where there is a mere absence of consideration, no such presumption arises, and therefore there is no occasion for the plaintiff to rebut it." And Erle, J., said, "It is perfectly clear, that, as a general rule, all affirmative pleas by way of excuse by a party *prima facie* liable upon a promissory note must be proved by him; and this is in terms an affirmative plea. An exception exists in a class of pleas of considerable importance, where it is alleged against the holder of a negotiable instrument that it is founded on illegality, and that he took it without consideration. If the illegality is proved, it raises a presumption that the holder took the instrument without value, and so the burthen of proving value is cast upon the plaintiff, so far as this, that if no evidence be given on either side, the presumption that he took it without value prevails. It is therefore the plaintiff's duty to give evidence of his having paid value." The learned judge continued—"A party, without violating the common law, may make such a wager, and may pay the money if he lose it; and if, instead of paying the bet, he gives a note promising to pay at a future date, he still violates no statute. I think that the effect of this plea is, that the maker gave this note to the payee without any consideration whatever, and therefore that it is not tainted with illegality or fraud."

The law, as it at present stands, was first so established in *Bailey v. Bidwell*, (13 M. & W. 73). In that case the plaintiff, who was the indorsee of a promissory note, brought his action upon it, and it appeared at the trial that the note had been given by the defendant to one Bailey in consideration of his not opposing a petition which the defendant had presented to the Court of Bankruptcy under the 5 & 6 Vict. c. 116. On behalf of the defendant the proceedings in the Bankruptcy Court were put in, and Parke, B., ruled, that as the defendant had established that the note was illegal in its inception, the plaintiff was bound to prove consideration. On a motion to review his Lordship's ruling, the Court held that it was correct. Parke, B., there says, "It certainly has been, since the later cases, the universal understanding, that if the note were proved to have been obtained by fraud, or affected by illegality, that afforded a presumption that the person who had been guilty of the illegality would dispose of it, and would place it in the hands of another person to sue upon it; and that such proof casts upon the plaintiff the burthen of shewing that he was a bona fide indorsee for value. That has been considered in later times as settled; and that being so, it was perfectly right in this case to cast upon the plaintiff the burthen of proving that he gave value for the note." This last-cited case is an example of a bill being illegal in its inception. The two following cases are instances in which the bill was tainted with fraud. In *Smith v. Braine* (16 Q. B. 244) the plaintiff, as indorsee, brought an action against the acceptor of a bill; and it appeared at the trial that the defendant's mother had drawn the bill for the defendant's accommodation, and indorsed it in blank; that the bill was delivered to one Morton for the purpose of getting it discounted; that Morton delivered it to one Chandler for the same purpose; and that Chandler promised to pay the amount of the bill to Morton, less 5%, which he was to receive for his trouble, but that he applied the proceeds

of the bill to his own use. When these facts had been proved on behalf of the defendant, the plaintiff's counsel contended that he was entitled to the verdict, as it had not been proved that Chandler had indorsed the bill without value, or that the bill had been obtained from the defendant by fraud. Wightman, J., however, was of opinion that enough had been shewn to cast upon the plaintiff the onus of proving that he had given value for the bill, in order to entitle him to a verdict. The plaintiff then called a witness, who proved that he gave Chandler 43% for the bill, and that the plaintiff indorsed away the bill, and about a week before it became due he asked the defendant whether he would be prepared to take it up; and the plaintiff then for the first time heard from the defendant that he had been swindled out of it, and would not pay it. The jury on this evidence found that the plaintiff had given no bona fide value for the bill. The Court above held that Wightman, J., was right in ruling that it lay with the plaintiff to prove that he had given value for the bill after the defendant had established, that contrary to good faith Chandler had indorsed it away. Lord Campbell, C. J., in delivering the judgment of the Court, said, "Since the New Rules the judges have, with entire approbation, directed juries, that where the bill was illegal in its inception, or where the immediate indorser to the plaintiff obtained possession of it by fraud, the want of consideration as between him and the plaintiff may be presumed." In *Harvey v. Towers* (6 Exch. 656) it appeared that the defendant had accepted a bill in payment of some mining shares which he had been induced to purchase through the representation of the drawer, and evidence was adduced to shew that the shares were worthless and the transaction fraudulent. Upon this evidence, the defendant submitted that the onus of proving that there was a consideration for the bill lay upon the plaintiff. The judge, however, expressed an opinion that proof of fraud did not cast upon the plaintiff the burthen of proving consideration, inasmuch as the affirmative of the issue was on the defendant; but the Court of Exchequer, on motion for a new trial or to enter a nonsuit, held that the learned judge who presided at the trial was mistaken, and directed a nonsuit to be entered. Pollock, C.B., in giving judgment, says, "I agree with what Lord Campbell said in *Smith v. Braine*, that no principle can be extracted from the cases on this subject before the New Rules. But it is now settled, that if a bill be founded in illegality or fraud, or has been the subject of felony or fraud, upon that being proved the holder is compelled to shew that he gave value for it. That was established in *Bailey v. Bidwell*; and subsequently by the Court of Queen's Bench in *Smith v. Braine*, in a considered judgment. It has been contended, that, as a matter of pleading, that view cannot be supported. I think, however, that as a plea must contain everything necessary to constitute a good defence, and as the mere fact of fraud would not afford any defence unless the holder took the bill without value, it was incumbent on the defendant to allege that fact in his plea; and the question is, on whom is cast the onus of proving it?" It follows, therefore, from the recent decisions, that where the defendant establishes the fact that the bill has been affected by illegality or fraud in its inception, or has been the subject of felony, or has been lost, it lies on the holder to shew that he gave a bona fide consideration for it. It appears also that the cases of *Paterson v. Hardacre*, (4 Taunt. 114); *Hungate v. Brown*, (1 Moo. & R. 445); *Brown v. Philpot*, (2 Moo. & R. 285); and the other cases decided before the New Rules, cannot now be considered as law\*.

\* In *Paterson v. Hardacre*, Lord Mansfield, C. J., held, that whenever a defendant meant to avail himself, as a defence against an action brought upon a bill of exchange, of the cir-

Before we quit this subject we may briefly refer to the case of *Raphael v. The Bank of England*, lately tried at Nisi Prius, and with respect to which a motion for a new trial was unsuccessfully made in the Court of Common Pleas on Tuesday last. There it appeared that Bank of England notes having been stolen, notices thereof had been sent to the plaintiff (a banker) amongst others; such notice had been filed with a great number of other notices, and two years afterwards the bank notes came into his possession. The jury found that he had given full value for them, that he had had notice of the robbery of the notes, but that at the time of his taking them he had not actual knowledge, although he had the means of knowledge, if he had taken proper care of the circular. Upon this it was held that he was entitled to the verdict as being a bona fide holder for value.

### NOTES OF THE WEEK.

In *Knight v. Pocock* (C. P., Nov. 6) an application was made to set aside a writ of summons issued under the Bills of Exchange Summary Procedure Act, 18 & 19 Vict. c. 67, upon the ground that the promissory note sued upon was not accurately copied on the back of the writ, according to sect. 1 and the schedule. The defect relied upon was the omission of the defendant's name as the maker of the note; but the Court amended the writ, under sect. 20 of the Common-law Procedure Act, 1852, (which is incorporated with the Bills of Exchange Act), by allowing the name to be added to the writ and copy. The copy had been served. The application was made on the twelfth day after service, but the Court said it was not too late, as no step in the cause had been taken since service.

With regard to the Bills of Exchange Act, it may here be noticed, that in the form of indorsement on the writ of summons no mention is made of costs, and therefore it would seem that on payment of the principal and interest within four days proceedings may be stayed. It would seem that the judges have not the power, under the Common-law Procedure Acts, of making a rule that will meet this difficulty; and until it is obviated the safer course (except in extreme cases) will be to proceed under the old system.

### PUBLIC EXAMINATION OF STUDENTS.

At the public examination of the Students of the Inns of Court, held at Lincoln's Inn Hall, on the 30th and 31st October, and 1st November, 1855, the Council of Legal Education awarded to—

Charles A. Holmes, Esq., student of the Inner Temple, a studentship of 50 guineas per annum, to continue for a period of three years.

Frederick C. J. Millar, Esq., student of the Inner Temple, a certificate of honour of the first class.

Hopson P. Walker, Esq., student of the Middle Temple; William Leech, Esq., student of Lincoln's Inn; Reginald John Cust, Esq., student of Lincoln's Inn; Charles William Dyer, Esq., student of the Middle Temple; J. F. Browne, Esq., student of the Middle Temple; and Arthur T. Watson, Esq., student of Lincoln's Inn, certificates that they have satisfactorily passed a public examination.

By order of the Council,  
(Signed) RICHARD BETHELL, Chairman.

cumstance that the bill had been lost or fraudulently obtained, and that the plaintiff had no right to the possession thereof, it was necessary that the defendant should distinctly give notice to the plaintiff that he meant to insist at the trial that the plaintiff should prove the consideration upon which he received the bill. As to lost bills of exchange, see *Byles on Bills*, pp. 93, 297, 6th ed.

### BUSINESS OF THE COURTS.

THE Court of Common Pleas has appointed Monday, the 12th inst., Thursday, the 15th, and Monday, the 19th, for hearing appeals from the decisions of Revising Barristers. The following cases are entered:—

West Riding of Yorkshire.—Plint, App., Sharpe, Resp.  
Western Division of Kent.—Anelay, App., Lewis, Resp.

Hertfordshire.—Passingham, App., Petty, Resp.  
Borough of Cardigan.—Morgan, App., Parry, Resp.  
Kent.—Godsell, App., Innon, Resp.

The Court of Queen's Bench has given notice, that if there are not sufficient cases to occupy the Court on Crown Paper Days, the Special Paper will be taken.

### ECCLESIASTICAL COURTS.

#### SITTINGS APPOINTED IN MICHAELMAS TERM.

##### ARCHES COURT.

First Session ..... Friday, Nov. 2  
Second Session ..... Monday, Nov. 12  
Third Session ..... Wednesday, Nov. 21  
Fourth Session ..... Thursday, Nov. 29  
Bye-day ..... Friday, Dec. 7.

##### ADMIRALTY COURT.

First Session ..... Tuesday, Nov. 6  
Second Session ..... Wednesday, Nov. 14  
Third Session ..... Friday, Nov. 23  
Fourth Session ..... Friday, Nov. 30  
Bye-day ..... Saturday, Dec. 8  
Default-day ..... Friday, Dec. 28.

##### PREROGATIVE COURT.

First Session ..... Wednesday, Nov. 7  
Second Session ..... Friday, Nov. 16  
Third Session ..... Saturday, Nov. 24  
Fourth Session ..... Monday, Dec. 3  
Bye-day ..... Tuesday, Dec. 11  
Caveat-day ..... Thursday, Dec. 27.

##### APPEALS COURT.

First Session ..... Thursday, Nov. 8  
Second Session ..... Saturday, Nov. 17  
Third Session ..... Tuesday, Nov. 27  
Fourth Session ..... Tuesday, Dec. 4  
Bye-day ..... Wednesday, Dec. 12.

##### CONSISTORY COURT.

First Session ..... Saturday, Nov. 10  
Second Session ..... Tuesday, Nov. 20  
Third Session ..... Wednesday, Nov. 28  
Fourth Session ..... Wednesday, Dec. 5  
Bye-day ..... Thursday, Dec. 13  
Extra Court-day ..... Friday, Dec. 28.

### FRAUDS BY BANKERS.

THE act 7 & 8 Geo. 4, c. 29, under which Messrs. Strahan, Paul, & Bates have been convicted, was passed in consequence of a fraud committed by one Walsh, a stockbroker, upon Sir Thomas Plumer, afterwards Master of the Rolls, and the inadequacy of the law at that time to meet the offence. A note of this case, which is set forth in 2 Russell on Crimes, p. 30, may be interesting to our readers:—The prosecutor, Sir Thomas Plumer, having contracted, in July, 1811, for the purchase of a large estate, consulted the prisoner as to the most advantageous time to sell out stock, so as to be prepared with the purchase money about the ensuing Michaelmas. The price of the stock was then very low, and the prisoner advised that the sale should be delayed as long as possible, which recommendation was adopted, and the prosecutor requested the prisoner to apprise



him from time to time of the variations that might occur in the state of the market. The prosecutor was not called upon to pay the purchase money at the time first mentioned, as the title to the estate was not then completed; but in the month of October, having reason to believe that the deeds would be ready on or before the ensuing Christmas-day, he communicated that circumstance to the prisoner, and consulted him as to the expediency of disposing of the stock immediately, when the prisoner again advised him to delay the sale. On the 25th November the prisoner stated to the prosecutor that he then apprehended a fall in the price of stock, and apprised him that the transfer books at the Bank would shut on the 3rd December, and soon after he became extremely urgent with the prosecutor to dispose of his stock immediately, writing to him, and frequently calling upon him for the purpose of giving such advice, and stating as the reason for his importunity a probable fall in the price of stock. The prosecutor on the 28th November gave the prisoner a power to sell out a quantity of stock, which on the ensuing morning he contracted to sell for 21,700*l*. The prosecutor went on the next morning into the city with the intention of finishing the business, but the prisoner stated that some previous notice must be given to the purchaser to be ready with the money, in consequence of which the prosecutor appointed the 4th December for making the transfer. On that day the prosecutor attended and transferred the stock, and expressly ordered the prisoner immediately to invest the proceeds in Exchequer bills, and lodge them on his account at his bankers, Messrs. Gosling & Co., in Fleet-street; but the prisoner told him it was then too late to procure Exchequer bills to such an amount, which the prosecutor supposed to be true, (though in fact it was not), and therefore left him to receive the 21,700*l*. of the purchaser, desiring that he would pay it in to his bankers on the same day. The prisoner accordingly received the 21,700*l*., paid it in to his own bankers, Roberts & Co., and on the same day paid into Gosling & Co.'s his own cheque on Roberts & Co. for 21,500*l*. on the prosecutor's account. On the 5th December he called on the prosecutor, and received from him a cheque (the instrument mentioned in the indictment) on Gosling & Co. for 22,200*l*. The prosecutor directed him to go to Gosling's and get the money for it, telling him that it was for the precise and express purpose, and for no other purpose whatever, of laying it out in Exchequer bills, which the prisoner positively promised to do, and either pay the bills into Gosling & Co.'s, or bring them to the prosecutor by four o'clock on the same day. The prisoner then went to Gosling & Co.'s with the cheque, and there received for it 22,200*l*. in twenty-two bank notes of 1000*l*. each, and one bank note of 200*l*.; and on the same day he purchased with part of that money 2500*l*. Exchequer bills, which he lodged at Gosling & Co.'s on the prosecutor's account, and took a receipt for them. About half-past four o'clock on the same day the prisoner called on the prosecutor, and produced the receipt for the Exchequer bills, and stated that he had paid the remainder of the money into Gosling & Co.'s, as he had contracted with Coutts & Co. for Exchequer bills to the amount of 16,000*l*., but that one of the partners of the house of Coutts & Co. was at that time absent from London, had the bills locked up in a drawer, and would not return to deliver them until the following Saturday, the 7th December, on which day the prisoner said he would call again for the prosecutor's cheque for that amount, and lodge the Exchequer bills for which he had so contracted at Gosling & Co.'s on the prosecutor's account. The prosecutor did not examine the papers delivered to him by the prisoner during the time the prisoner was with him; but on looking at them after he was gone away, he was surprised to find

that there was only a receipt for the Exchequer bills, and no receipt for the residue of the money. This circumstance caused suspicion, and an inquiry was almost immediately made, when it was ascertained that the prisoner had on the afternoon of that same day set out for Falmouth in the mail coach, in which he had previously secured a place in a fictitious name, and that he had left a note, addressed to the prosecutor, with his clerk, dated on Saturday, the 7th December, and stating that the business respecting Coutts's Exchequer bills could not be finished until the following Monday. This note he had desired might not be delivered till the Saturday. It appeared also, that for some time before he absconded the prisoner had been labouring under great pecuniary embarrassments, and had meditated an emigration to America, and that about the 29th November he had applied to an American broker to procure for him American stock to the amount of 11,000*l*., and stock nearly to that amount was accordingly bought for him, and paid for by him on the Thursday, the 5th December, with eleven of the same bank notes of 1000*l*. each which he had received for the prosecutor's cheque; and it further appeared that several others of the 1000*l*. notes so received for the prosecutor's cheque had been paid away by him to different persons on his own account. It was proved also that on the same day (Thursday, the 5th December) he paid to a dealer in foreign coin 300*l*. for doubloons, which he had contracted for three days before, and which were delivered to him on that day; and further, that he left his country house at Hackney early on the same morning, and, having procured the foreign coin and American securities, he absconded by means of the Falmouth mail. When the route which he had taken was discovered he was speedily pursued, and apprehended at Falmouth as he was about to get on board a packet for Lisbon, to which place he acknowledged that he intended to go in the first instance, and afterwards take the opportunity of getting to America. On being told the charge made against him, he delivered up the 11,000*l*. American bank shares and the bag of doubloons.

The question left to the jury was, whether the prisoner before he received the cheque had formed the design of converting the money which should be received by means of it to his own use, or whether that design arose in his mind after he was in possession of it. They were directed to find the prisoner guilty if they were of opinion that the former was the fact. The jury were of that opinion, and returned a verdict of guilty. Judgment was then respite, and the case reserved, in order that the opinion of the judges might be taken upon several objections made by the prisoner's counsel.

In Hilary Term (Feb. 1, 1812) the case was argued in the Exchequer Chamber, before all the judges, (except Lawrence, J.), by Scarlett for the prisoner, and Gurney for the Crown; and again on the 14th February, 1812, before all the judges, (except Lawrence and Chambre, JJ.), when all the judges present were of opinion that it was not a felony, and that the conviction was wrong upon several grounds—first, because there was no fraud or contrivance to induce Sir Thomas Plumer to give the cheque; secondly, because the cheque could not be called his goods and chattels, and was of no value in his hands; thirdly, because he never had possession of the notes received at the bank, so that they could not be called his notes; and, fourthly, because the bankers were discharged of the money by paying it on the cheque, so that they were not defrauded, and it could not be said the money was stolen from them.

\* See *Rees v. Muckless*, (Russ. & M. C. C. 160), where a similar point was raised, but not decided.

† *Walt's case*, Hilary Term, 1812, (Russ. & R. C. C. 215; 2 Leach, 1054, 1082; 4 Taunt. 258, 284).



**THOMAS WILKEY**, Prospect-place, Walworth-road, Surrey, glass paper manufacturer, Nov. 14 at half-past 1, and Dec. 18 at 12, London: Off. Ass. Stansfeld; Sol. Stopper, 52, Cheapside.—Pet. f. Oct. 26.

**JOHN CARTER LUCAS** and **THOMAS LUCAS**, Aldersgate-street, dealers and chapmen, Nov. 15 at 2, and Dec. 15 at 1, London: Off. Ass. Pennell; Sols. Dixon & Blackwell, Sheffield; Sudlow & Co., 38, Bedford-row.—Pet. f. Oct. 29.

**WILLIAM JOLLEY**, Charing-cross, dealer and chapman, Nov. 15 at 2, and Dec. 11 at 1, London: Off. Ass. Edwards; Sol. Newstead, 18, Ely-place, Holborn.—Pet. f. Oct. 31.

**JOHN DANKS**, Great Bridge, Staffordshire, timber merchant, Nov. 22 and Dec. 20, at half-past 12, Birmingham; Off. Ass. Bittleston; Sols. Robinson & Fletcher, Dudley; Mottram & Knight, Birmingham.—Pet. d. Oct. 27.

**NICHOLAS MARTYN**, Fowey, Cornwall, baker, Nov. 13 and Dec. 13 at 1, Exeter: Off. Ass. Hirtzel; Sols. Bishop, Fowey; Stogdon, Exeter.—Pet. f. Oct. 25.

**JAMES RENTON**, Bradford, watch maker, Nov. 16 and Dec. 21 at 11, Leeds: Off. Ass. Young; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Pet. d. and f. Nov. 2.

**SAMUEL JUDKINS**, Sheffield, dealer and chapman, Nov. 24 and Dec. 22 at 11, Sheffield: Off. Ass. Brewin; Sols. Dixon & Blackwell, Sheffield.—Pet. d. Oct. 26, and f. Oct. 27.

**RICHARD KETTLE**, Sheffield, woollendrapers, Nov. 24 and Dec. 22 at 11, Sheffield: Off. Ass. Brewin; Sols. Hools & Yeomans, Sheffield.—Pet. d. and f. Oct. 29.

**GEORGE WEATHERHEAD**, Newcastle-upon-Tyne, joiner, Nov. 29 at half-past 12, and Dec. 21 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Chartres, Newcastle-upon-Tyne; Shield & Harwood, 10, Clement's-lane, Lombard-street.—Pet. f. Nov. 2.

#### METINGS.

*John Jones*, Manchester, machine maker, Nov. 16 at 12, Manchester, last ex.—*Joseph Player*, Winchester-buildings, Broad-street, mining agent, Nov. 22 at 11, London, aud. ac.—*Joseph Gill*, King-street, Camden-town, licensed victualler, Nov. 19 at 1, London, aud. ac.—*William Trego*, Gunter's-grove, West Brompton, and Moore-park-terrace, King's-road, Fulham, builder, Nov. 20 at 1, London, aud. ac.—*Hansard Jackson Bridges*, Wandsworth-road, Surrey, and Stowmarket, Suffolk, brewer, Nov. 14 at 1, London, aud. ac.—*Sarah Frampton*, Wimborne Minster, Dorsetshire, butcher, Nov. 16 at 11, London, aud. ac.—*William Aaron Rogers*, Sutton, Surrey, licensed victualler, Nov. 16 at 11, London, aud. ac.—*William Peter Grant*, Cambridge, bookseller, Nov. 16 at 11, London, aud. ac.—*George Gent*, South-row, New-road, St. Pancras, grocer, Nov. 16 at 11, London, aud. ac.—*Stephen Edward Sherwood*, Sellings, near Canterbury, tailor, Nov. 17 at 2, London, aud. ac.—*Charles Avery*, Fenchurch-street, colonial broker, Nov. 17 at 11, London, aud. ac.—*Robert Atmore*, Gaywood, Norfolk, miller, Nov. 17 at 11, London, aud. ac.—*James Harding*, Edgeware-road, glass dealer, Nov. 17 at 11, London, aud. ac.—*Edward Davis*, Upper Crisp-street, Bromley, licensed victualler, Nov. 16 at 11, London, aud. ac.—*Thos. Barnes*, Southampton, woollendrapers, Nov. 17 at half-past 12, London, aud. ac.—*John Thornton* the elder and *Joseph Ridgway Thornton*, Goddoy and Hyde, Cheshire, cotton-waste dealers, Nov. 16 at 12, Manchester, aud. ac.—*John Horrocks*, Salford, grocer, Nov. 16 at 12, Manchester, aud. ac.—*Thomas Bostock*, Manchester, packer, Nov. 20 at 12, Manchester, aud. ac.; Nov. 27 at 12, div.—*Joseph Meabe*, Sheffield, draper, Nov. 17 at 12, Sheffield, aud. ac.—*Allan Stewart Hay*, Old Broad-street, shipowner, Nov. 29 at 1, London, div.—*Edward Biven*, King William-street, watchmaker, Nov. 29 at half-past 12, London, div.—*Henry Prior*, Edwards-place, Hackney-road, and *Henry Atkinson*, Wood-street, London, and Manchester, warehousemen, Nov. 28 at 2, London, div. joint est., and div. sep. est. of *Henry Prior*.—*W. Dickinson*, Berley, Kent, and Mill-wall, Poplar, Middlesex, merchant, Nov. 28 at 1, London, div.—*Alex. Bristow Fraser* and *Charles Lightfoot*, Lime-street, merchants, Nov. 28 at 2, London, fn. div.—*Cornelius Aubrey Markham*, Godmanchester, Huntingdonshire, carrier, Nov. 27 at half-past 11, London, div.—*William Rhodes*, Aldersgate-street, tea dealer, Nov. 27 at half-past 12, London, div.—*Wm. John Norman-*

*vile*, Duke-street, Adelphi, and Queen's-road, Regent's-park, commission agent, Nov. 27 at 1, London, div.—*Samuel Fenn* and *Joseph Fenn*, Birmingham, tailors, Nov. 29 at 11, Birmingham, div.—*Walter Mason*, Wolverhampton, Staffordshire, draper, Dec. 3 at half-past 10, Birmingham, div.—*W. Kinton Gibbs*, Dudley, Worcestershire, grocer, Dec. 3 at half-past 10, Birmingham, div.—*Thomas Edwards*, Shrewsbury, builder, Dec. 3 at half-past 10, Birmingham, div.—*John Roberts*, Tivdale Wireworks, near Dudley, Worcestershire, wire drawer, Dec. 5 at half-past 10, Birmingham, div.—*Geo. Foster*, Liverpool, stockbroker, Nov. 29 at 11, Liverpool, div.—*Jonathan Higginson* and *Richard Deane*, Liverpool, merchants, Nov. 29 at 11, Liverpool, div. sep. est. of *Jonathan Higginson*.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Howick*, Little Charlotte-street, Blackfriars-road, furnishing ironmonger, Nov. 28 at 1, London.—*David Haiker*, Herne Bay, Kent, shipowner, Nov. 28 at 12, London.—*Thos. Dixon*, Crook, Durham, grocer, Nov. 20 at half-past 11, Newcastle-upon-Tyne.—*Jacob Abraham Jacques*, Liverpool, trader, Nov. 29 at 11, Liverpool.—*Edwin Johnson*, Liverpool, flour dealer, Nov. 27 at 11, Liverpool.—*Joseph Travis*, Green-bridge, Cage-mill, and Bridge-end, near Newchurch, Lancashire, woollen manufacturer, Nov. 30 at 12, Manchester.—*Barnett Behrens*, Birmingham, Dec. 29 at half-past 12, Birmingham.—*James Beardmore* and *Thos. J. Beardmore*, Audley, Staffordshire, millers, Nov. 29 at half-past 12, Birmingham.

*To be granted, unless an appeal be duly entered.*

*John Kennedy*, Aldersgate-street, printer.—*Wm. Edghill Coles*, Strand, dealer in waterproof clothing.—*Jas. Edward Mitchell Williams*, Whitstable, Kent, apothecary.—*George Haworth*, Over Darwen, Lancashire, power-loom cloth manufacturer.

#### PARTNERSHIP DISSOLVED.

*Wm. Stevens* and *Richard Duncombe*, Brighton, attorneys and solicitors.

**SALVAGE FOR HUMAN LIFE.**—There seems to be a general impression among the public that there is no remuneration provided by law for saving human life in cases of wreck. That this opinion, however, is erroneous may be seen by reference to the Merchant Shipping Act, 17 & 18 Vict. c. 104. By sect. 458, whenever any ship or boat is stranded, or otherwise in distress, on the shore of any sea or tidal water in the United Kingdom, and services are rendered by any persons in assisting such ship, or saving the lives of persons belonging to it, or saving cargo, &c., they are entitled to receive from the owners of the ship or cargo a reasonable amount of salvage, together with all expenses incurred in the performance of such services; and by sect. 459 salvage in respect of the preservation of life or lives shall be payable by the owners in priority to all other claims for salvage; and in cases where such ship or boat is destroyed, or where the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of any salvage due in respect of any life or lives, the Board of Trade may in its discretion award to the salvors of such life or lives such sum as it deems fit out of the Mercantile Marine Fund.

**INDIAN JUDICIAL APPOINTMENTS.**—Sir Lawrence Peel having intimated his intention to resign the office of Chief Justice of the Supreme Court of Judicature at Calcutta, Sir James Colville has been raised to that office, and Sir Charles Jackson has been promoted from Bombay to Calcutta as puisne judge. The seat on the Bombay bench vacated by Sir C. Jackson has been offered to Sir William Jeffcott, who now holds the office of recorder of Singapore; and Mr. Richard M'Cauland, of the Irish Bar, has been appointed to the second recordership recently created in the eastern settlements, namely, that of Prince of Wales Island.

**LEGAL and GENERAL DIARY for 1856:** containing Summary of Acts of last Session—Commercial and General Information—County Courts—Law—Banking—Police—Post Office—Parliamentary—Stamp Duties—Taxes; and a variety of other information. Revised to October 20, 1855.

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## GAZETTES.—FRIDAY, Nov. 9.

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**HENRY WYLDE**, New Cavendish-street, Portland-place, St. Marylebone, music seller, Nov. 21 and Dec. 21 at 1, London: Off. Ass. Pennell; Sol. Chappell, 25, Golden-square.—Pet. f. Nov. 7.

**GEORGE PARSONS**, Birmingham, gas-fitting manufacturer, Nov. 22 and Dec. 20 at half-past 12, Birmingham: Off. Ass. Christie; Sols. Corles, and Motteram & Knight, Birmingham.—Pet. d. Nov. 7.

**ANNE STAVELEY**, Nottingham, dealer and chapwoman, Nov. 27 and Dec. 18 at half-past 10, Nottingham: Off. Ass. Harris; Sol. Deverill, Nottingham.—Pet. d. Nov. 1.

**THOMAS WALKER**, Keighley, Yorkshire, innkeeper, Nov. 23 and Dec. 21 at 11, Leeds: Off. Ass. Young; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Pet. d. Nov. 6.

**MATTHEW CRAIG NORBURY**, Chorlton-upon-Medlock, Lancashire, dealer and chapman, Nov. 22 and Dec. 13 at 12, Manchester: Off. Ass. Hernaman; Sol. Slater, Manchester.—Pet. f. Oct. 29.

## MEETINGS.

*Thomas Cooke* the elder, Froxfield, near Petersfield, Hampshire, cattle dealer, Nov. 21 at 1, London, last ex.—*Thomas Allen* and *Thomas C. Cockson*, Manchester, warehousemen, Nov. 22 at 12, Manchester, last ex.—*John Foden*, Liverpool, grocer, Nov. 21 at 11, Liverpool, last ex.—*Isaac Potheary* and *Wm. Symes*, Nuttall, Southampton, boarding-house keepers, Nov. 20 at 1, London, and ac.—*William Bennett*, Little Warley, Essex, miller, Nov. 23 at 1, London, and ac.—*Benj. B. Wale* and *G. C. Dave*, Chancery-lane, builders, Nov. 22 at 2, London, and ac.—*Peter Stainsby*, Salvador-house, Bishopgate-street, London; Pontesford, near Shrewsbury, Shropshire; and *Parson's-green*, Fulham, Middlesex, smelter, Nov. 20 at 11, London, and ac.—*Wm. B. Brodie* and *Charles G. Brodie*, Salisbury, bankers, Nov. 22 at 11, London, and ac.; Dec. 10 at 11; div.—*Wm. Ashton*, Loughborough-road, Brixton, builder, Nov. 27 at half-past 12, London, and ac.—*James Sewell*, Brackley, Northamptonshire, and Twyford-street, Caledonian-road, Islington, timber merchant, Nov. 23 at 11, and ac.—*George Speight*, Goswell-street, confectioner, Nov. 22 at 11, London, and ac.—*J. E. M. Williams*, Whitstable, Kent, apothecary, Nov. 23 at 12, London, and ac.—*James Weller* the younger, Cholsay, Berkshire, wheelwright, Nov. 23 at 12, London, and ac.—*Thomas Bacon*, Colchester, printer, Nov. 21 at 12, London, and ac.—*Edward Butler*, York-street, Middlesex Hospital, Middlesex, and Gipsy-hill, Norwood, Surrey, baker, Nov. 21 at 11, London, and ac.—*William Watkin Ford*, Sydney-cottage, Hornsey-road, and Howard's-buildings, Brick-lane, Old-street, St. Luke's, wholesale brush manufacturer, Nov. 21 at 11, London, and ac.—*Wm. Fairey*, Bedford, provision merchant, Nov. 21 at 11, London, and ac.—*James A. Miles*, Pancras-lane, London, brassfounder, Nov. 21 at 11, London, and ac.—*John W. P. Graham*, King's-road, Chelsea, insurance broker, Nov. 23 at half-past 1, London, and ac.—*Wm. H. Pates*, Wallingford, Berkshire, grocer, Nov. 23 at 11, London, and ac.; Dec. 3 at 1, div.—*Richard Thomas*, New Windsor, Berkshire, painter, Nov. 23 at 11, London, and ac.—*Richard Walker*, Wisbech St. Peter's, Cambridge-shire, stationer, Nov. 23 at 12, London, and ac.—*E. Corker*, Fore-street, Edmonton, timber merchant, Nov. 23 at 12, London, and ac.—*Bailey Sherwood* and *Newman Sherwood*, Belvedere-road, Lambeth, builders, Nov. 23 at 11, London, and ac.—*Frederick Trapnell*, Bristol, timber merchant, Nov. 29 at 11, Bristol, and ac.—*George Butler Ponting*, Devizes,

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## VICE-CHANCELLOR STUART'S COURT.

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## COURT OF QUEEN'S BENCH.

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Andrews v. Elliott.—(Trial before judge without jury—Consent in writing—Common-law Procedure Act, 1854, (17 & 18 Vict. c. 125, s. 1)—Waiver—Jurisdiction—Verdict against evidence).....	1046
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## COURT OF COMMON PLEAS.

By W. PATTERSON and W. MILLS, Barristers at Law.

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By W. M. BEST, Barrister at Law.

Danvers v. Morgan.—(False imprisonment—Bona fides—Statute—2 & 3 Vict. c. 47—Notice of action—Evidence) .....	1051
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## THE JURIST.

LONDON, NOVEMBER 17, 1855.

It has long been doubted by the majority of conveyancers whether a trustee or executor, having power to mortgage the trust property, can give the mortgagee a power of sale after default in payment of the mortgage debt. The question as to the power of an executor arose and was decided in the case of *Russell v. Plaice*, (18 Beav. 21; 18 Jur., part 1, p. 254), where an administratrix made a mortgage of leaseholds which formed part of the estate of the deceased, and by the mortgage deed gave to the mortgagee the usual power of sale after default. After default the mortgagee sold the property by auction, but the purchaser objected that the power of sale was invalid. On a bill filed by the mortgagee, specific performance of the contract was decreed. The Master of the Rolls, in giving judgment, after shewing by the authorities that the validity of a simple mortgage of assets by an executor or administrator could not be questioned, proceeded to consider the objection that the administratrix could not delegate to the mortgagee the power of sale which she possessed herself, being a trust to the execution of which she was bound to apply her own discretion. His Honor said, "I am of opinion that a little consideration of the distinction existing between the powers intrusted to her and those given to the mortgagee removes this objection. The power which the executor or administrator possesses of making a valid mortgage appears to me to include in it a power to give all that is properly incidental to that species of alienation. An executor who sells property of his testator necessarily gives the

purchaser a power of selling the property bought, because such a power is incidental to, and inseparable from, the estate conferred upon him by the conveyance. The power of sale given to a mortgagee must, I think, be considered, not as the delegation of a power intrusted to the executor, which is a power to sell for the benefit of his cestui que trust, but as the creation of a new power to sell, not for the benefit of the persons interested in the testator's estate, but for the benefit of the person interested in the mortgage; that is, a power to render the mortgage effectual; and I think that the right to create this power is incidental to the authority of the executor to mortgage. If this were withheld, the persons interested in the assets would be injured; because in that case a mortgage could not be effected, unless on terms less advantageous than could be obtained if the person advancing his money obtained the same security as if he were dealing with the absolute owner of the estate. For the purpose of selling the estate of the testator, the executor is considered as the absolute owner, and has all the powers incidental to that character. On what principle can it be maintained that he is not to be regarded in the same light, and to have the same powers for the purpose of effecting a mortgage, which may be the most beneficial course to be adopted for his cestui que trust, and of which benefit the executor is constituted the sole judge?" His Honor then observed that his conclusion was confirmed by the consideration that the executor had power to pledge any part of the assets, and that a pledge carried with it an undoubted power of sale after default. The authority of the case as a decision on the general question is a little weakened by the fact that there were circumstances of acquiescence on the part of the next

of kin sufficient to support the decision as against them, though this would of course be immaterial in a question between the purchaser and the creditors of the deceased. Except by analogy, the case cannot be treated as an authority as to the validity of a power of sale given to a mortgagee by trustees who are expressly authorised to mortgage the trust property; for the implied authority of an executor or administrator to deal with assets for the benefit of creditors as well as of the next of kin is very different from the authority which a trustee can derive only from the express terms of the particular trust under which he acts. However, there is a consideration, not very distinctly adverted to by the Court in *Russell v. Plaine*, which seems sufficient to dispose of the question, as well in respect of trustees as in respect of executors; and that is, that not merely the meaning of words, but the substance of rules of law and equity, must and do change with the condition and usages of society. When Lord Cottenham, in *Walkworth v. Holt*, (4 My. & C. 635), affirmed it to be the duty of the Court of Chancery to adapt its practice and course of proceeding to the existing state of society, and not, by too strict an adherence to forms and rules established under different circumstances, to decline to administer justice and to enforce rights for which there was no other remedy, he merely made a special application of a general principle, to which not only all the existing rules of equity, but also the whole of our present commercial law and law of contracts owe their existence. We must construe words, when used at the present day, according to the existing usage; and we must modify rules, handed down to us from antiquity, so as to preserve their spirit by adapting them to altered circumstances. Thus, when a settlor in 1855 authorises his trustees to mortgage the trust estate, we inquire, not what Littleton or Coke understood by a mortgage, but what the settlor would mean and his lawyer would understand in 1855 by a direction to mortgage. Now, at the present day no one thinks of a mortgage otherwise than as a security including a power to sell after default and to give discharges for the purchase money; and when a settlor directs his trustees to make a mortgage, we are, without any foundation, imputing to him antiquated notions and antiquated language if we understand him to mean a mortgage such as would have been drawn by Sir Orlando Bridgman, and not such a mortgage as a conveyancer of the day, acting upon similar instructions, would prepare. Therefore, in the case of an express trust or authority to mortgage, we think that it is not stating the case too strongly to say that the trustee has an express authority to invest his mortgagee with a power of sale. In the case of an executor or administrator, again, the foundation of his authority to mortgage the assets is, that he is to raise money for the purposes of his trust by any of the ways ordinarily resorted to by a discreet owner under similar circumstances; and as a mortgage is an ordinary and may be a prudent mode of raising money, he may raise money by mortgage; but he is to do it in the way in which owners ordinarily do it; and that at the present day is by making a mortgage with power of sale.

A learned and experienced conveyancer, who has

just published a work in which a variety of practical points are discussed with considerable learning and acuteness\*, objects to the decision in *Russell v. Plaine* on several grounds. One is, that it involves the whole subject in doubt, by departing from the strict legal notion of a mortgage, and substituting the inquiry, whether the mortgage is ordinary or reasonable in all its details. But this is a difficulty incident to every discretionary power; and that executors and trustees have discretionary powers is undeniable. Whether they have exercised their discretion reasonably may in all cases be made a subject of inquiry.

Again: Mr. Clayton says that it is an improvident dealing with the property to give the mortgagee such a power, because, if the security be sufficient, "a mortgagee has no interest in obtaining the best price; he is not, as a trustee generally is, the friend of the beneficial owner; his only care is to realise his principal, interest, and costs: what the surplus may be matters not to him. Besides, an executor or other trustee generally has the advice and concurrence of the cestui que trust. Thus, by transferring the sale to a mortgagee or his assign, we lose the best safeguard that can be devised for insuring care and fidelity—self-interest. We jeopardise the surplus as to its amount; and, secondly, we jeopardise it as to its very existence at all; for the mortgagee or his assign—an utter stranger to the mortgagor—may be a knave, and through his insolvency or otherwise it may be impossible to get the surplus out of his hands. Besides all this, is it not clear that by placing the surplus in the power of the mortgagee, or rather of his solicitor, we furnish him, the solicitor, with a strong inducement to charge his costs on a liberal scale?" We think it a sufficient answer to this to observe, that trustees are to act on behalf of the objects of their trust with the same prudence that men exercise on their own behalf, and that no man acting on his own behalf at the present day hesitates to place his estate in the power of a mortgagee, with the temptations and exposed to the dangers pointed out by Mr. Clayton; while, on the other hand, it might be difficult, if not impossible, to raise the required amount by means of a mortgage according to the fashion of two centuries ago; and against the risks of the mortgagee's neglect or dishonesty are to be set the facility of obtaining a transfer, and the avoidance of a foreclosure suit, which a mortgagee, knowing that he could not reckon on obtaining a final decree in less than twelve months, would be induced to commence at a time when, if he had the power of immediate sale, he would be content to rest upon his security, and wait until he should be actually in need of the money.

#### WINTER CIRCUITS.

York, Durham, and Newcastle..	{ Baron MARTIN and Justice WILLES.
Liverpool .....	Justice WIGHTMAN.
Stafford, Worcester, Hereford, Gloucester, and Cardiff.....	{ Justice WILLIAMS.
Derby, Nottingham, Warwick, and Chester.....	{ Justice CRESSWELL.
Norwich, Hertfordshire, Essex, Kent, and Surrey .....	{ Justice CROMPTON.
Hampshire, Devon, Somerset, and Sussex .....	{ Baron PARKE.

\* "The Elements of Conveyancing; with Practical Illustrations and Select Forms. By William Clayton Clayton, of Lincoln's-inn, Barrister at Law."

## SUMMARY PROCEDURE ON BILLS OF EXCHANGE ACT, 1855.

## NEW RULE FIXING COSTS OF JUDGMENT.

*Michaelmas Term, Nov. 2.*

In pursuance of the Summary Procedure on Bills of Exchange Act, 1855, we, the undersigned Masters of the superior courts of common law, have fixed, subject to the approval of the judges of the said courts, the following sums for costs to be allowed in cases in which the plaintiff has signed final judgment for default of appearance, viz.—

Above 20 <i>l</i> .	£	s.	d.
Agency on country cases, including mileage	4	0	0
Town cases .....	3	8	0
Under 20 <i>l</i> .			
Agency on country cases, including mileage	3	2	0
Town cases .....	2	14	0

FORTUNATUS DWARRIS,	{ Masters of the Queen's Bench.
A. D. CROFT,	
JAS. BUNCE,	{ Master of the Common Pleas.
J. H. CANCELLOR,	
W. H. WALTON,	{ Masters of the Exchequer.
W. F. POLLOCK,	
JOHN C. TEMPLER,	

*Approved.*

CAMPBELL,	C. CRESSWELL,
JOHN JERVIS,	SAMUEL MARTIN,
FRED. POLLOCK,	CHARLES CROMPTON,
JAS. PARKE,	R. B. CROWDER,
E. H. ALDERSON,	JAS. WILLES.
WM. WIGHTMAN,	

## ORDERS IN COUNCIL.—BOROUGH COURTS OF NORTHAMPTON AND CAMBRIDGE.

It is ordered by her Majesty in Council, that within one month after such order shall have been made and published in the London Gazette all the provisions of the Summary Procedure on Bills of Exchange Act, 1855, shall apply to the Court of Record of the borough of Northampton; and that the powers or duties incident to the provisions applied under the said act, with respect to matters in the said Court of Record, shall and may be exercised by the recorder of the said court for the time being, and in his absence by the registrar of the said court for the time being, and by their respective deputies.

A similar order was made applicable to the Court of Record of the borough of Cambridge, called the Court of Pleas; and the registrar of the said court for the time being shall and may exercise the powers or duties incident to the provisions applied under the said act with respect to matters in the said court.

## Court Papers.

## LORD CHANCELLOR'S COURT.

The following appeals have been transferred from the paper of the Lords Justices to the paper of the Lord Chancellor:—

Edwards v. Hall	Scales v. Maude
Hunt v. Dorsett	Wilabere v. Norfolk Railway Co.
Wickenden v. Rayson	Bartlett v. Salmon
Horfield v. Ashton (2 Appeals)	Turner v. Irlam
Bewley v. Hanwell	Foster v. Cautley
Shaw v. Fisher	Mortimer v. Mortimer
Morley v. Morley	Stoddart v. Nelson
Simpson v. Chapman	Attorney-Gen. v. Stephens.

## EXCHEQUER CHAMBER.

The errors from the Queen's Bench were taken on Tuesday, Thursday, and Friday, the 13th, 15th, and 16th instant. The errors from the Common Bench will be taken on the day after term, and those from the Exchequer on the second day after term.

## QUEEN'S BENCH.

*New Trials moved Michaelmas Term, 1855.*

Midd.—Chapple v. Bryson	York—Ackroyd v. Gill
Reece v. Harrison	„ Crowther v. Appleby
„ Avery v. Bowden	„ Brown v. Ackroyd
„ Reid & an. v. Hoskins	„ Hope v. Hayley
„ Powell v. Hyde	„ Sterriker v. Farrell
„ Reg. v. Hancock	Durham—Hawkins v. Turzill
„ Fray v. Potter	Northumberland—Duxfield v. Bell
Derby—Reg. v. Pegg	Liv'pool—Rourke v. Short
Herts.—Drury v. Macnamara	„ De Oleaga v. De Meaurio
Essex—Nicholson v. Fidgett	„ Postlethwaite v. Clarke
Surrey—Robinson v. Hunter	„ Leake v. Young
„ Burton v. Tannahill	<i>Tried during Term.</i>
Salop—Beeston v. Weate	Midd.—Marc v. Charles.
Gloucester—Jeffries v. Great Western Railway	
Cornwall—Broad v. Sloggatt	

## COMMON PLEAS.

*New Trials moved Michaelmas Term, 1855.*

Surrey—Hunter v. Robinson	Stafford—Hulse v. Hulse
Leicest.—Lord Hood v. Kendall	Lincoln—Rodgers v. Parker
Surrey—Douglas v. Watson	Liverpool—Davies v. Jones
Sussex—Simpson v. Lamb	„ Godts v. Rose
Midd.—Shepherd v. Conquest	Midd.—Strong v. Foster
	Norfolk—Pulford v. George.

## EXCHEQUER OF PLEAS.

*New Trials moved Michaelmas Term, 1855.*

Midd.—Lee v. Bissett	Liverpool—Graves v. Legg
„ Oxford, Worcester, & Wolverhampton Railway Co. v. Scudamore	„ Hernaman v. Bowker
„ Roy v. Turner	„ Carmarthen—Jones v. Powell
„ Same v. Same	Chester—Davies v. Roper
„ Same v. Same	Warwick—Austen v. Torre
„ Fenwick v. Nevill	„ Brown v. Overbury
„ Mackenzie v. Pooley	Herts.—Lee v. Earl Cardigan
„ Wallace v. Blackwall	Maldst.—Cooke v. Hopewell
Aylesb.—Lowndes v. Fountain	Croydon—Ogle v. Tammons
Ipswich—Stansfield v. Bridges	„ Mann v. General Steam Navigation Co.
Durham—Ogden v. Rutter	„ Strachan v. Barton
Newcastle—Leideman v. Gray	„ Wiggitt v. Fox
„ Thew v. Pybus	Winchester—Watling & an. v. Ekless
Liverpool—Bell v. Buckley	Wells—Collins v. Bristol and Exeter Railway Co.
„ Whittell v. Crawford	

## SPECIAL PAPER.—NEW CAUSES.

Marcon & an. v. Bloxam (Sp. case)	Cawley v. North Staffordshire Railway Co. (Ap)
Worms v. Storey (D)	Henderson v. Wawn (Ap)
Fernie & an. v. Tonge (D)	Oakley v. Port of Portsmouth and Ryde United Steam Packet Co. (Ap)
Petrie v. Nuttall (D)	Koeber v. England (D).
Phillips & ors. v. Briard (D)	
Barratt & an. v. Becke (D)	

## SITTINGS OF THE CENTRAL CRIMINAL COURT.

The Court has ordered that the days for holding the Sessions for the ensuing year shall be as follows:—

1855.	Monday, April 7
Monday, November 26	„ May 12
„ December 17	„ June 16
„ 1856.	„ July 7
„ January 7	„ August 18
„ February 4	„ September 15
„ March 3	„ October 27.

The Queen has been pleased to appoint James Campbell, Esq., one of her Majesty's counsel, to be the Third Charity Commissioner for England and Wales, in the room of the Rev. Richard Jones, deceased.



# LIST OF SHERIFFS, NOMINATED BY THE LORDS OF THE COUNCIL, FOR 1886.

**Bedfordshire**—Colonel G. Thornton, Muggerhanger House.  
Talbot Barnard, Esq., Kempston.  
Sir George R. Osborn, Bart., Chicksands Priory.

**Berkshire**—George Barker, Esq., Stanlake.  
Richard Benyon, Esq., Englefield Park.  
Charles Phillips Duffield, Esq., Oakley House.

**Buckinghamshire**—William F. Farrer, Esq., Brayfield House.  
Philip Wroughton, Esq., Ibstone.  
Sir Harry Verney, Bart., Claydon House.

**Camb. & Hunt.**—James Gay, Esq., Upwell.  
John Dunn Gardner, Esq., Chatteris.  
James Hall, Esq., Ely.

**Cheshire**—Richard Christopher Naylor, Esq., Hooton Hall.  
Wm. Atkinson, Esq., Ashton Hayes, near Kelsall.  
George F. Wilbraham, Esq., Delamere House.

**Cornwall**—Sir William Berkeley Call, Bart., Whiteford.  
Thomas Graham Graham, Esq., Penquite.  
Sir Henry Onslow, Bart., Hengar.

**Cumberland**—Sir Henry Ralph Vane, Bart., Hutton Hall and Armathwaite.  
Charles Featherstonhaugh, Esq., Staffeld Hall.  
Anthony Burn Steward, Esq., Chapel House.

**Derbyshire**—Alfred Miller Mundy, Esq., Shipley Hall.  
Wm. Hatfield De Rodes, Esq., Barborough Castle.  
Gladwin Turbutt, Esq., Ogston Hall.

**Devonshire**—Sir Massey Lopes, Bart., Maristow.  
James Samuel Pitman, Esq., Dunchideock.  
John Henry Hippisley, Esq., Shobrook Park.

**Dorsetshire**—G. Whieldon the younger, Esq., Wyke House.  
Sir John James Smith, Bart., Down House.  
Charles James Radclyffe, Esq., Hyde, Bere Regis.

**Durham**—Robert Smith Surtees, Esq., Hamsterley Hall.  
William Beckwith, Esq., Silksworth House.  
Timothy Hutchinson, Esq., Egglestone Hall.

**Essex**—Robert Hills, Esq., Colne Engaine.  
John Francis Wright, Esq., Kelvedon Hall.  
William Champion Russell, Esq., Upminster.

**Gloucestershire**—Sir Charles Rushout Rushout, Bart., Seisincote House, near Stow-on-the-Wold.  
Richard Rogers Copwell Rogers, Esq., Dowdeswell, near Cheltenham.  
Sir J. F. Davis, Bart., Hollywood House, Henbury.

**Herefordshire**—Charles Williams Allen, Esq., The Moor.  
Richard Snead Cox, Esq., The Homme.  
Robert Biddulph, Esq., Ledbury.

**Hertfordshire**—W. Joseph Myers, Esq., Porters, Shenley.  
William Reid, Esq., The Node, Codicote.  
William Wilshere, Esq., The Frythe, Welwyn.

**Kent**—Richard Paterson, Esq., Lusons, Chislehurst.  
Edward Ladd Betts, Esq., Preston Hall, Aylesford, near Maidstone.  
Sir Richard Tufton, Bart., Hockfield.

**Leicestershire**—Cosmo George Charles Nevill, Esq., Holt.  
Hampton Clement, Esq., Snarestone Lodge.  
Thomas Cosse, Esq., Osbaston.

**Lincolnshire**—Charles T. J. Moore, Esq., Frampton Hall.  
George Knollis Jarvis, Esq., Doddington Hall.  
Right Hon. Charles Tennyson D'Bynecourt, Bayona Manor.

**Monmouthshire**—Edward Bagnall Dimmack, Esq., Pontypool.  
Thomas Gratrex, Esq., Court St. Laurence.  
Godfrey Charles Morgan, Esq., Tredegar Park.

**Norfolk**—Robert Kellett Long, Esq., Dunstan.  
Andrew Fountaine, Esq., Narford.  
Sir Edward North Buxton, Bart., Cromer.

**Northamptonshire**—O. W. Hambrough, Esq., Pipwell Hall.  
Wm. H. I. M. Dolben, Esq., Finedon Hall.  
John Christopher Massel, Esq., Cosgrove.

**Northumberland**—Bryan Burrell, Esq., Broome Park.  
William Henry Charlton, Esq., Healeside.  
Lancelot John Hunter Allgood, Esq., Mwinwick.

**Nottinghamshire**—S. W. Widdett, Esq., Langwith Lodge.  
Richard Milward, Esq., Thurgarton Priory.  
Jonathan Hardcastle, Esq., Blidworth Dale.

**Oxfordshire**—Sir Henry Peyton, Bart., Swifts House.  
William Evetts, Esq., Tackley Park.  
Henry Barnett, Esq., Glympton Park.

**Rutlandshire**—The Hon. Henry Lewis Noel, Ketton.  
Clarke Norris, Esq., Oakham.  
Ayscough Smith, Esq., Bramston.

**Shropshire**—Edward Lloyd Gatacre, Esq., Gatacre Park.  
Edmund Wright, Esq., Halston.  
The Hon. Arthur Legge, Cainton.

**Somersetshire**—John Hippisley, Esq., Ston Easton.  
Sir Arthur Hallam Elton, Bart., Clevedon Court.  
Sir Alexander Acland Hood, Bart., St. Andries.

**Southampton**—James Edward Bradshaw, Esq., Fair Oak Park, near Winchester.  
Wm. Charles Humphrys, Esq., Elm Lodge, Bursledon, near Southampton.  
The Hon. John Dutton, Hinton House, Alresford.

**Staffordshire**—Richard Dyott, Esq., Freeford.  
Thomas William Giffard, Esq., Chillington.  
The Hon. Edward Swynfen Jervis, Aston.

**Suffolk**—A. Arcedeckne, Esq., Glevering Hall, Hacheston.  
John George Weller Poley, Esq., Boxted Hall.  
Peter Robert Burrell, Esq., Stoke Park, Ipswich.

**Surrey**—Edward B. Northey, Esq., Woodcote House, Epsom.  
The Hon. G. J. Cavendish, Lyne Grove, Chertsey.  
John Labouchere, Esq., Broom Hall, Dorking.

**Sussex**—William Crake, Esq., Hastings.  
R. H. Nevill, Esq., Dangstein House, Midhurst.  
William Drewe Lucas Shadwell, Esq., Fair Light Hall, Hastings.

**Warwickshire**—Sir Peter Van Notten Pole, Bart., Todenham House, Gloucestershire.  
Henry Spencer Lucy, Esq., Charlcote Park.  
Owen Peel, Esq., Radford.

**Westmoreland**—William Wilkinson, Esq., Warecop.  
Luther Watson, Esq., Enderlrig, Windermere.  
Robert Addison, Esq., The Friary, Appleby.

**Wiltshire**—Sir Francis Dugdale Astley, Bart., Everleigh.  
C. W. Miles, Esq., Burton Hill House, Malmesbury.  
Alfred Morrison, Esq., Fonthill Giffard.

**Worcestershire**—Francis E. Williams, Esq., Malvern Hall, Solihull, Warwickshire.  
Francis Tongue Rufford, Esq., Prescott.  
Edward Vincent Wheeler, Esq., Kyve House.

**Yorkshire**—Harry Stephen Thompson, Esq., Kirby Hall.  
Sir Joseph Radcliffe, Bart., Rudding Park.  
Robert Mitford, Esq., Hummanby.

## WALES.

**Anglesey**—John Jacob, Esq., Llanfawr.  
William Williams, Esq., Tydden Mawr.  
John Thomas Roberts, Esq., Ucheldre.

**Breconshire**—Thomas Davies, Esq., Llangattock.  
John Jones, Esq., Glanhoddŷ.  
James W. Price Gwynne Holford, Esq., Backland.

**Cardiganshire**—J. Probert, Esq., Blaenpiestill, near Cardigan.  
Thomas Henry Wenwood, Esq., Tyglyn Aeron.  
Thomas Hughes, Esq., Noyaddfaur.

**Carmarthenshire**—George Watkin Rice, Esq., Llwynbrin.  
William Morris, Esq., Cwm.  
Charles Morgan, Esq., Alltgyog.

**Carnarvonshire**—Richard Trygarn Griffith, Esq., Trygarn.  
Lieut.-Col. J. McDonald, Plas Keha, Dyggyfylchi.  
James Edwards, Esq., M.D., Benarth.

**Denbighshire**—John Edward Madocks, Esq., Glan-y-wern.  
John Jocelyn Ffolkes, Esq., Erriviatt, Denbigh.  
John Jesse, Esq., Llanbedr Hall, Ruthin.

**Flintshire**—Edmund Peel, Esq., Bryn-y-pys.  
Frederick Phillips, Esq., Rhafal.  
Robert Wills, Esq., Plasbellin.

**Glamorganshire**—John Samuel, Esq., Newton House.  
Evan Williams, Esq., Duffrynfrwd.  
Edward Priest Richards, Esq., Plasnewydd.

**Merionethshire**—John Priestley, Esq., Hafodygregog.  
Hugh John Reveley, Esq., Brynygwin.  
John Nanney, Esq., Maesynenadd.

**Montgomeryshire**—James France France, Esq., Ystyrolwyn.  
Richard Herbert Mytton, Esq., Garth.  
Maurice Jones, Esq., Fronfrith.

**Pembrokeshire**—Lewis Mathias, Esq., Llangwarren.  
Sir John James Hamilton, Bart.  
George Augustus Harries, Esq., Hiltton.

**Radnorshire**—Robt. Baskerville R. Mynors, Esq., Evancored.  
Sir W. Sarsfield Rossiter Cookburn, Kut., Downton.  
Charles Marsh Vials, Esq., Hendrey.

currier.—*Nathan Clough*, Bradford, Yorkshire, painter.—*John Wilkerson Taylor*, Nottingham, hosier.—*Wm. Comaley*, Tipton, Staffordshire, brickmaker.

## TUESDAY, Nov. 13.

## BANKRUPTS.

ADAM GLEN, late of Regent-street, and now of Piccadilly, dealer and chapman, Nov. 23 at 1, and Dec. 28 at 11, London: Off. Ass. Bell; Sols. Lawrance & Co., Old Jewry-chambers.—Pet. pres. Sept. 28.

GEORGE MEAGER, Ramsgate, dealer and chapman, (trading in the name of Catherine Meager), Nov. 22 and Dec. 28 at 12, London: Off. Ass. Bell; Sol. Buchanan, Guildhall-chambers.—Pet. f. Nov. 12.

EDWARD ABLEWHITE, South Audley-street, Grosvenor-square, coach builder, Nov. 23 and Dec. 27 at 12, London: Off. Ass. Johnson; Sol. Abrahams, 23, Southampton-buildings, Holborn.—Pet. f. Nov. 10.

PHILIP ROSE, Norwich, baker, Nov. 22 at half-past 1, and Dec. 20 at 2, London: Off. Ass. Johnson; Sol. Childley, Gresham-street.—Pet. f. Nov. 9.

WILLIAM LARKING, Ipswich, Suffolk, innkeeper, Nov. 23 at half-past 1, and Dec. 22 at half-past 12, London: Off. Ass. Whitmore; Sols. Jennings, Ipswich, Suffolk; Nicholls & Doyle, 2, Verulam-buildings, Gray's-inn.—Pet. f. Nov. 9.

JOHN CLARKE SANFORD, Paternoster-row, dealer and chapman, Nov. 23 at half-past 11, and Dec. 21 at 12, London: Off. Ass. Stansfeld; Sol. Hodgson, 17, Arbour-square, Stepney.—Pet. f. Nov. 9.

WILLIAM HARDING BURGESS, Miles-lane, Upper Thames-street, and Clink-street, Southwark, export oilman, Nov. 23 at half-past 1, and Dec. 21 at 1, London: Off. Ass. Stansfeld; Sols. Lawrance & Co., Old Jewry-chambers.—Pet. f. Nov. 13.

JOHN HENRY GOULD and FREDERICK HERMAN GOULD, late of Watling-street, and now of Clayland-road, Clapham-road, lace warehousemen, (trading under the style or firm of Gould, Brothers, & Co.), Nov. 27 and Dec. 20 at 12, London: Off. Ass. Edwards; Sols. Pocock & Poole, 58, Bartholomew-close.—Pet. f. Nov. 12.

THOMAS EDWARD KING, Guildford, dealer and chapman, Nov. 23 at 12, and Dec. 18 at 1, London: Off. Ass. Edwards; Sols. Lovett, Guildford; Jaquet, 9, New-inn, Strand.—Pet. f. Nov. 9.

ALFRED PALMER, Wolverhampton, dealer and chapman, Nov. 24 at 11, and Dec. 20 at half-past 12, Birmingham: Off. Ass. Bittleston; Sols. Manby, Wolverhampton; C. & H. Wright, Birmingham.—Pet. d. Nov. 8.

JAMES ROBINSON, Birmingham, shoe manufacturer, Nov. 28 and Dec. 19 at half-past 10, Birmingham: Off. Ass. Bittleston; Sols. Colmore & Beale, Birmingham.—Pet. d. Nov. 10.

WILLIAM CHARLES TURNER, York, hairdresser, Nov. 30 and Dec. 21 at 11, Leeds: Off. Ass. Young; Sols. Wilkinson, York; Blackburn, Leeds.—Pet. d. Nov. 10.

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JOHN MULLAN, Jarrow, Durham, builder, Nov. 21 at half-past 11, and Dec. 18 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Brynal, Durham; Hartley, 6, Southampton-street, Bloomsbury.—Pet. f. Nov. 9.

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## MEETINGS.

*Thomas Wyatt*, Oxford-terrace, King's-road, Chelsea, builder, Nov. 27 at 12, London, ch. ass.—*William Robert Schwonke*, Union-court, Old Broad-street, commission merchant, Dec. 4 at 1, London, last ex.—*Herbert George James* and *John James*, Leadenhall-street, engineers, Nov. 23 at 12, London, last ex.—*James Kenyon*, Blackburn, Lancashire, innkeeper, Nov. 30 at 12, Manchester, last ex.—*George Parker*, Southampton, pastrycook, Nov. 30 at 11, London, aud. ac.—*Joshua Crouther* and *William Dickinson* the younger, Manchester, Manchester warehousemen, Nov. 30 at 12, Manchester, aud. ac.—*Wm. W. Rawling*, *Samuel Rawling*, and *John Rawling*, Manchester, curriers, Nov. 29 at 12, Manchester,

aud. ac.; Dec. 6 at 12, div.—*Thos. Kenyon*, Newton Heath, near Manchester, manufacturing chemist, Nov. 26 at 12, Manchester, aud. ac.; Dec. 4 at 12, div.—*Thomas Macbeth*, Preston, tailor, Nov. 26 at 12, Manchester, aud. ac.; Dec. 5 at 12, div.—*Charles Condron*, Macclesfield, silk manufacturer, Nov. 27 at 12, Manchester, aud. ac.; Dec. 11 at 12, div.—*Anthony Atcheson*, Cheetham, near Manchester, wine merchant, Nov. 26 at 12, Manchester, aud. ac.; Dec. 10 at 12, div.—*Andrew Wilson*, Manchester, timber merchant, Nov. 28 at 12, Manchester, aud. ac.; Dec. 5 at 12, div.—*Robert Mason*, Manchester, stationer, Nov. 26 at 12, Manchester, aud. ac.; Dec. 5 at 12, div.—*John Wilkinson*, Brymbo, Denbighshire, ironmaster, Nov. 23 at 11, Liverpool, aud. ac.; Dec. 6 at 11, div.—*Thomas Adamson* and *Henry H. Bell*, Sunderland, carriers, Nov. 28 at 11, Newcastle-upon-Tyne, aud. ac. joint est., and at half-past 11, aud. ac. sep. ests.; Dec. 12 at half-past 11, div. sep. est. of *Thomas Adamson*, and at 12, div. sep. est. of *Henry H. Bell*.—*Thomas Dixon*, Crook, Durham, grocer, Nov. 29 at 11, Newcastle-upon-Tyne, aud. ac.—*John Wisppeare*, Middleton, Stranton, Durham, shipbuilder, Dec. 4 at half-past 11, Newcastle-upon-Tyne, aud. ac.—*Wm. Scales*, White Hill Paper Mill, near Chester-le-Street, Durham, paper manufacturer, Nov. 28 at 12, Newcastle-upon-Tyne, aud. ac.—*Frederick Tallis*, Upper Chadwell-street, Clerkenwell, and Crane-court, Fleet-street, printer, Dec. 4 at 1, London, div.—*Wm. Trego*, Gunter's-grove, West Brompton, and Moore Park-terrace, King's-road, Fulham, builder, Dec. 4 at 2, London, div.—*Thomas Downes Taylor*, Brook-street, Holborn, oilman, Dec. 4 at half-past 1, London, fin. div.—*George Johnson*, St. Ives, Huntingdonshire, draper, Dec. 4 at 12, London, div.—*Asariah Blinwood*, Chard, Somersetshire, money scrivener, Dec. 5 at 1, Exeter, div.—*Thomas Kingdon*, Netherex, Devonshire, cider merchant, Dec. 5 at 1, Exeter, div.—*James Fenton*, Crawshaw Booth, near Rawtenstall, Lancashire, cotton manufacturer, Dec. 6 at 12, Manchester, div.—*Stephen Carlton*, Darlington, Durham, coach manufacturer, Dec. 12 at 11, Newcastle-upon-Tyne, div.

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*Daniel Cuthane*, Dartford, Kent, apothecary, Dec. 5 at 12, London.—*Wm. Watson*, York-terrace, Regent's-park, hotel keeper, Dec. 5 at half-past 1, London.—*Thomas Wayland*, Battersea, Surrey, beer-shop keeper, Dec. 6 at 12, London.—*Samuel Jennings* the younger, Goswell-street, carver, Dec. 4 at 12, London.—*Wm. J. Waller*, Herbert-street, New North-road, printseller, Dec. 6 at 2, London.—*Frederick William Fawcett* (otherwise *Francis William Fawcett*) and *William Parrott*, Lisle-street, Leicester-square, wholesale shoe manufacturers, Dec. 6 at 1, London.—*Samuel Mayer*, *Elijah Boulton*, and *Spencer Boulton*, Bristol and Nailsea, Somersetshire, and Wharf, City Basin, Middlesex, potters, Dec. 7 at 11, Bristol.—*Thomas Younger* the elder, Sunderland, builder, Dec. 6 at 12, Newcastle-upon-Tyne.—*Thos. Walton*, Haverton-hill, Durham, glass manufacturer, Dec. 11 at 12, Newcastle-upon-Tyne.—*Henry H. Dyer*, Bos Castle, Cornwall, grocer, Dec. 13 at 1, Exeter.—*Wm. H. Smith*, Birkenhead, Cheshire, hop merchant, Dec. 4 at 11, Liverpool.—*A. Dempster*, Liverpool, stonemason, Dec. 6 at 11, Liverpool.—*Samuel Bridge*, Manchester, builder, Dec. 4 at 12, Manchester.—*Thomas Macbeth*, Preston, Lancashire, tailor, Dec. 5 at 12, Manchester.—*George Poyser*, Derby, shoe manufacturer, Dec. 11 at half-past 10, Birmingham.—*Isaiah Belcher*, Wolverhampton, Staffordshire, augur manufacturer, Dec. 3 at half-past 10, Birmingham.—*George Stanton*, Birmingham, retail brewer, Dec. 3 at half-past 10, Birmingham.

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**THOMAS WALKER**, Kidderminster, licensed victualler, Nov. 26 and Dec. 17 at half-past 12, Birmingham: Off. Ass. Whitmore; Sols. Boycott, Kidderminster; Motteram & Knight, Birmingham.—Pet. d. Nov. 10.

**EDMUND JOHN LUDLOW WHITMORE**, Ramsbury, Wiltshire, apothecary, Nov. 30 and Dec. 31 at 11, Bristol: Off. Ass. Miller; Sols. Abbott & Lucas, Bristol.—Pet. f. Nov. 13.

**BENJAMIN VICKERS**, Newton Bushell, Devonshire, wine merchant, Nov. 27 at 11, and Dec. 27 at 1, Exeter: Off. Ass. Hirtzel; Sols. Francis, Newton Bushell; Stogdon, Exeter.—Pet. f. Nov. 13.

**BENJAMIN FRENCH**, St. Mary's-terrace, Walworth-road, Surrey, dealer and chapman, Nov. 27 and Dec. 20 at 1, London: Off. Ass. Lee; Sol. Buchanan, 1, Guildhall-chambers, Basinghall-street.—Pet. f. Nov. 14.

**WILLIAM HALL**, Durham, grocer, Nov. 27 at 11, and Jan. 8 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Brown, Newcastle-upon-Tyne; Cooper, Sunderland; Harle & Co., 20, Southampton-buildings, Chancery-lane, London.—Pet. f. Nov. 6.

**WILLIAM USHER**, Sunderland, Durham, rope manufacturer, Nov. 23 at 12, and Dec. 21 at 1, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Cooper, Sunderland.—Pet. f. Nov. 6.

## MEETINGS.

**J. Ellis**, Springhill, Birmingham, timber merchant, Dec. 1 at 11, Birmingham, last ex.—**Samuel Gawan**, Kent-street, Southwark, victualler, Nov. 28 at 12, London, aud. ac.—**Geo. Frederick Johnstone**, St. Ives, Huntingdonshire, draper, Nov. 28 at 1, London, aud. ac.—**Daniel Benjamin Herts**, Sidney-square, Mile-end, Nov. 28 at 12, London, aud. ac.—**Henry Houghton**, Friday-street and Watling-street, merchant, Dec. 4 at 1, London, aud. ac.—**Alexander Peat**, Manchester, shoe manufacturer, Dec. 3 at 12, Manchester, aud. ac.; Dec. 10 at 12, div.—**George Hoyle** and **John Tattersall**, Whitewell Bottom, near Newchurch, Lancashire, cotton manufacturers, Dec. 3 at 12, Manchester, aud. ac.; Dec. 10 at 12, div.—**W. Hancock**, Talk-o'-th'-Hill, Staffordshire, builder, Dec. 6 at 11, Birmingham, aud. ac.; Dec. 8 at 11, div.—**J. Proffitt**, Oldbury, Worcestershire, grocer, Nov. 29 at half-past 12, Birmingham, aud. ac.—**R. Wheble Bennett**, West Bromwich, Staffordshire, brewer, Dec. 13 at 11, Birmingham, aud. ac.; Dec. 22 at 11, div.—**W. Arthur Watson**, Whitacre, Warwickshire, builder, Dec. 15 at 11, Birmingham, aud. ac.—**John Webber**, Birmingham, grocer, Dec. 13 at 11, Birmingham, aud. ac.; Dec. 22 at 11, div.—**Nathan Levy**, Worcester, clothier, Dec. 13 at 11, Birmingham, aud. ac.; Dec. 22 at 11, div.—**Thomas Spurrier**, Walsall, Staffordshire, maltster, Dec. 6 at

11, Birmingham, aud. ac.—**Edward Whitaker**, Walsall, Staffordshire, draper, Dec. 13 at 11, Birmingham, aud. ac.—**John Blakey** and **George Blakey**, Keighley, Yorkshire, grocers, Dec. 17 at 11, Leeds, aud. ac. and div.—**Joseph Aldridge**, Leeds, chemist, Dec. 10 at 11, Leeds, aud. ac. and div.—**Henry Elgar**, Ashford, Kent, grocer, Dec. 7 at 11, London, div.—**John Relfe**, Faversham, tailor, Dec. 10 at 1, London, div.—**Samuel Adams**, New-court, Goswell-street, licensed victualler, Dec. 7 at half-past 11, London, div.—**Wm. Clerk**, Surbiton, Kingston-upon-Thames, builder, Dec. 7 at 11, London, div.—**Charles Goeringer**, Queen-street, Golden-square, Westminster, victualler, Dec. 10 at half-past 12, London, div.—**J. Francis Bricknell Cabburn**, Cumberland-row, King's-cross, licensed victualler, Dec. 8 at half-past 11, London, div.—**Wm. Featherd Ball**, Wood-st., Cheap-side, and Holland-st., Blackfriars-road, wholesale glover, Dec. 8 at 12, London, div.—**Thos. Patient**, Saffron Walden, Essex, cooper, Dec. 7 at half-past 2, London, fin. div.—**John George Lacy**, Great St. Helens, Bishopsgate-st., gun manufacturer, Dec. 7 at half-past 11, London, div.—**Chas. J. Hubbard**, Crutchedfriars, London, and Saffron Walden, Essex, hog merchant, Dec. 7 at half-past 1, London, div.—**Wm. Fairry**, Bedford, provision merchant, Dec. 8 at 1, London, div.—**Edward Pownall**, Ipswich, Suffolk, and Harwich, Essex, shipowner, Dec. 8 at half-past 1, London, div.—**James Henry Mills**, Hove, Sussex, broker, Dec. 7 at 2, London, fin. div.—**Henry Rubbra**, Dudley, Worcestershire, grocer, Nov. 26 at half-past 10, Birmingham, aud. ac.; Dec. 10 at half-past 10, div.—**Josiah Allen**, Birmingham, builder, Nov. 26 at half-past 10, Birmingham, aud. ac.; Dec. 10 at half-past 10, div.—**Charles Masingham**, Birmingham, wholesale jeweller, Nov. 26 at half-past 10, Birmingham, aud. ac.; Dec. 10 at half-past 10, div.—**John M. Carthy**, Aston, near Birmingham, dealer and chapman, Dec. 10 at half-past 10, Birmingham, div.—**A. Elwood**, Chard, Somersetshire, money scrivener, Dec. 5 at 1, Exeter, div.—**John Manley**, Manchester, machine maker, Nov. 29 at 12, Manchester, div.—**Wm. Marshall** and **Wm. Smith**, Sheffield, edge-tool manufacturers, Dec. 8 at 11, Sheffield, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**W. Batley**, Northampton, engineer, Dec. 8 at 12, London.—**Francis Blackwell**, Peterborough, Northamptonshire, carrier, Dec. 7 at half-past 12, London.—**Thomas Masters**, Norwood, hotel keeper, Dec. 8 at half-past 12, London.—**Gem Augustine Stone**, Bristol, carpenter, Dec. 10 at 11, Bristol.—**John Rushton**, Carlisle, plasterer, Dec. 14 at half-past 11, Newcastle-upon-Tyne.—**Thos. Adamson** and **Henry Hunter Bell**, Sunderland, carriers, Dec. 12 at 12, Newcastle-upon-Tyne.—**Henry Wm. Knowles**, Bacup, Lancashire, manufacturer, Dec. 10 at 12, Manchester.—**John Hobson**, Leeds, grocer, Dec. 18 at 12, Leeds.—**John Lupton**, Bradford, Yorkshire, innkeeper, Dec. 18 at 11, Leeds.—**John Duffield**, Oldbury, Worcestershire, publican, Dec. 13 at half-past 12, Birmingham.

To be granted, unless an Appeal be duly entered.

**Harriet Townsend**, Charles-street, Westminster, poultryer.—**Joseph Wyatt**, Aldermanbury, wholesale stationer.—**R. Walker**, Wisbeach, Cambridge, stationer.—**Charles Kelly**, High-street, Kensington, and Baker-street Bazaar, Baker-st., Portman-square, auctioneer.—**Robert Edward Barnes**, Stone-street, Chelsea, wine merchant.—**Henry Shaw Goodman**, Starch-green, Hammersmith, varnish maker.—**Wm. Aaron Rogers**, Sutton, Surrey, licensed victualler.—**Sarah Frampton**, Wimborne Minster, Dorsetshire, butcher.—**T. Punsdon**, Durham, builder.—**Chas. Henry Wall** and **Christopher Hall**, Samlesbury, near Preston, Lancashire, cotton spinners.—**W. Shipman**, Manchester, baker.—**Thomas Kitts**, Bolton, cotton spinner.—**John Williams**, Ffynnon Groyyw, Llanasa, Flintshire, grocer.—**Joseph Spencer**, Bilston, Staffordshire, ironfounder.—**Wm. Farmer**, Birmingham, nail manufacturer.—**Henry Robinson**, Brewood, Staffordshire, maltster.—**Joseph Proffitt**, Oldbury, Worcestershire, grocer.—**Samuel Fenn** and **Joseph Fenn**, Birmingham, tailors.—**H. Williamson**, Leeds, cloth merchant.—**John Dawson**, High-street, Shadwell, tobaccoist.—**Joseph Miller**, Piccadilly, ironmonger.—**Henry Miller** and **William Hook**, Newport, Isle of Wight, hardwaremen.—**Jacob Frankenstein**, White Hart-court, Bishopsgate-street

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## THE JURIST.

## TO CORRESPONDENTS.

"An Attorney's Clerk" is referred to "Notes of the Week," ante, p. 459.

LONDON, NOVEMBER 24, 1855.

THE administration of justice has been materially improved during the last few years, and lawyers, as a body, have zealously aided in promoting these improvements. As a proof of this, it is sufficient to point to the spirit evinced by the legal periodicals during that time. It is, however, as much the fashion to abuse lawyers as it is to indulge in vague declamation about reforming the law, offering nothing that is tangible, practical, or new, in the way of remedy. Thus the *Times* of the 14th inst., after publishing long and dreary letters upon the subject of consolidating the law, which merely repeat in the most general terms certain theoretical notions, leading to nothing useful, commences a leader with these observations:—

"We have got all, we believe, that any amount of pressure can induce the class of practising lawyers to do for us, and until the public interest can be brought once more to bear on the subject, we despair of seeing the jurisdiction of the county courts extended, the submitting cases to them by consent facilitated, and the introduction of that which is the keystone to all real improvement in procedure—the personal appearance and examination of parties before the judge at the very first step in the cause."

It is difficult to see why "practising lawyers" should be blamed for not effecting changes which are within the province of the Legislature, and of the Legislature alone; but the fact is, that practising lawyers have been the persons who have done their best to promote these alterations. Thus the County Court Commissioners, who have in their report advocated the extension of the jurisdiction of those tribunals, (ante, p. 272), numbered among its members the Master of the Rolls, Mr. Justice Erle, Mr. Justice Crompton, Messrs. Keating, Koe, Pitt Taylor, Mullings, and Mr. Serjeant Dowling. Mr. Fitzroy was the only lay member. So, the only statute which in effect provides for the examination of the defendant by affidavit before a judge at an early stage of the cause is the Summary Procedure on Bills of Exchange Act, which was introduced into Parliament by Mr. Keating.

But, further, what is the fact as to these complaints, so easily uttered, especially when unaccompanied by the suggestion of any practical remedy? Is there so pressing a grievance, or any grievance in this respect, for which the legal Profession ought to be censured?

The jurisdiction of the county courts at present extends to any demand not exceeding 50*l.*, without consent of the parties, provided that it be not an action of ejectment, or one involving title to corporeal or incorporeal hereditaments, or to any toll, fair, market, or franchise, or involving the validity of any devise, bequest, or limitation under any will or settlement, or an action for libel, slander, crim. con., seduction, or breach of promise of marriage. By consent, actions of any nature, and

*involving any amount*, may be tried in the county court, provided they be not actions for malicious prosecution, libel, slander, crim. con., seduction, or breach of promise of marriage\*.

So far from submission by consent being difficult, it is as simple a matter as can well be conceived. It is by a memorandum signed by the parties or their attorneys; and in order to induce parties to adopt this course the more readily, a right of appeal has been given in cases of submission by consent to the county court jurisdiction†.

Then as to the "keystone to all real improvement in procedure—the personal appearance and examination of parties before the judge at the very first step in the cause." We are doubtful as to the full meaning of these words; but if they mean anything, it is probably this—the plaintiff, as soon as he has commenced an action, (or perhaps before commencing it), is to appear, and to compel the defendant to appear, before a judge (of a county court or of a superior court?) to be examined by him (upon oath?) as to the question pending between the parties; the plaintiff, as it were, taking the defendant by the throat and saying to him, "Pay me that thou owest." The judge, we presume, whatever may be the nature of the case, is then and there to adjudicate upon it without the intervention of a jury, and execution is of course to follow with like rapidity.

The pleading, we presume, is to be oral, as of old, so as to have the simplest as well as the most speedy system of jurisprudence. Thus, John Brown, the plaintiff, will say to the defendant Thomas Robinson, who has been dragged by the plaintiff and two policemen before a learned judge at chambers, "I claim of you, Robinson, five pounds for work and labour done at your request." To which the defendant will say, "Brown, I never was indebted, and I paid you your debt; and I further say, for defence on equitable grounds, that you told my wife you would forgive me the debt," &c.

Such are some of the results that may be anticipated from *practical* suggestions for legal reform, in the promotion of which the public are told they must not expect the co-operation of practising lawyers. They will be quite justified in not expecting it. Our reformers, not content with even American simplicity, would enable a judge alone—the press and the public, we suppose, excluded—to decide upon rights and obligations of the greatest importance to the people of this country. Yet this is but a sample of the reckless and worse than foolish language that is so often used with reference to law reform.

#### NOTES OF THE WEEK.

**MR. BARBER'S CASE.**—We have much pleasure in informing our readers that this gentleman has been re-admitted to practise as an attorney. On the 21st inst. Lord Campbell, C. J., said, that after a careful consideration of the fresh evidence, the Court were of opinion that the rule for his re-admission should be made absolute.

#### THE STATUTE-LAW COMMISSION.

Among our extracts from the Appendix to the Report of the present commissioners we printed the whole of Mr. H. Bellenden Ker's "Observations on the Expurgatory List of Statutes ordered by the House of

Commons to be printed on the 20th January, 1855," including some personal remarks which it would be unfair to leave without explanation. The printing of the Expurgatory List was ordered by the House on a motion by Mr. Locke King, whose zeal for the amendment of the law is very much greater than his knowledge or judgment; and Mr. Ker shews conclusively that the Expurgatory List was not worth printing. But in doing this he has not exercised his usual discretion, for he shews also that the instructions sanctioned by the Lord Chancellor and Mr. Ker, and framed by one of them, in exact accordance with which the Expurgatory List was prepared, were instructions for the devotion of the time of two of the late commissioners to the preparation of a list intended at the best as a "a hook of reference to accompany the Statutes at Large," but containing "a large proportion of matter which is of no use whatever for that or any other purpose; while, on the other hand, for the use indicated, it is extremely imperfect, and, to a certain extent, misleading;" so that "out of the 248 pages of which this work consists, 144 pages, or about three-fifths of the whole, are mere waste of paper and print."

In answer to Mr. Ker's remarks, Mr. Anstey, who with Mr. Rogers (now in Van Diemen's Land) prepared the Expurgatory List, sent to the commissioners a memorandum, dated the 20th July, 1855, which has been printed by order of the House of Commons. It is too long for insertion here, and indeed, as Mr. Ker observes upon it, it seems to be merely a defence against a charge that was never made. It certainly shews, that whether the list is or is not rigidly accurate in detail, the Lord Chancellor and Mr. Ker are alone responsible for the plan and instructions which have made it the useless and absurd thing Mr. Ker declares it to be.

Among Mr. Ker's observations, reprinted by us, (ante, p. 419), are also some statements respecting Mr. Coode's Digest of the Poor Laws, bearing on the face of them stronger indications of a wish to damage Mr. Coode's reputation than became either the writer or the occasion. Mr. Coode's replies to these have been printed by order of the House of Commons, (8th August, 1855, No. 472). We have only space for the following letter from that gentleman to the present commissioners:—

"13, Victoria-street, July 20, 1855.

"My Lords and Gentlemen,

"I addressed you yesterday, in haste, a remonstrance against the publication, under your authority, of seven-teen misstatements made by Mr. Ker to my prejudice.

"I now forward to you two documents which will supply you with the means of judging of the extent to which your confidence in Mr. Ker, and your authority, have been abused in the publication in question.

"The first paper (inclosure No. 1) is a 'copy of correspondence,' to which Mr. Ker refers, in the beginning of his statement, in these terms—'The Digest of the Poor Laws in question was not originally prepared by Mr. Coode as one of the Commissioners of Statute Law; it was a work on which he had been engaged for many years previously, and which he had offered to the Poor-law Board, with a statement that it was then 'quite ready for the press,' on the 2nd of April, 1852. (See the correspondence on the subject which has been printed in the House of Commons Papers, 1852, No. 244).'

"Mr. Ker by these words, and those which follow, plainly imputes to me that I stated on the 2nd April, 1852, to the Poor-law Board, that the whole of the Digest of Poor Laws was then 'quite ready for the press;' which statement would have been an entire untruth; and Mr. Ker proceeds to shew, by his subsequent remarks, that such a statement could not possibly have been true.

"On referring to the correspondence thus cited by Mr. Ker, you will find (pp. 5, 6) that my statement

\* 13 & 14 Vict. c. 61, s. 17. † 17 & 18 Vict. c. 16, s. 1.

‡ "Utroque litigantium, apparens in curiā, petens ipse loquelam suam et clameum ostendat in hunc modum—'Peto versus istum H., &c.' Auditā vero loquelā et clameo petentis, in electione ipsius tenentis erit, ac versus petentem defendens per duellum, &c.'" (Glan., lib. 2, c. 3). A breach of the peace that may be apprehended under the new system.



expressly referred only to 'a part' of the Digest of Poor Laws—that, namely, which related to the law of settlement and removal, and which 'part' even was expressly stated to be imperfect, and only fit for the temporary purpose referred to in the correspondence; being, in fact, less than one-thirteenth part of the whole Digest.

"You will see, on referring to the original passage, (p. 6), that this misstatement by Mr. B. Ker could not have been made by an oversight, for he fixes the date of the letter, (one out of three), and he selects these five words, 'quite ready for the press,' out of this sentence—'This part can be printed distinctly from the other parts of the Poor Law, and it is now quite ready for the press.'

"The second paper (inclosure No. 2) is a rough copy of my petition to the House of Commons, referred to in my letter of yesterday. This will display to you the facts, and part of the evidence by which the remaining sixteen out of seventeen of Mr. B. Ker's misstatements are to be refuted.

"As this copy is very rough, I request the favour, in case it is required to be printed, to be allowed to correct the proofs.

"I have &c.,  
(Signed) "GEORGE COODE."

We cannot enter into the merits of this controversy beyond observing that the documents referred to fully justify Mr. Coode's complaint of the passage quoted in his letter from Mr. Ker's statement, beginning—"The Digest of the Poor Laws in question was not originally prepared by Mr. Coode as one of the commissioners," &c. In the meantime, in consequence of this unfortunate difference, the public has been deprived of the services of Mr. Coode, the only gentleman among the working members of the late or of the present commission who has shewn any peculiar aptitude for the business; indeed, we may say, the only member of the late commission who was not absolutely incompetent for the business; and the Digest of the Poor Laws—a work undoubtedly of great merit and utility, if the bulk agrees with the sample—remains unpublished and useless. When we observe that up to the present time neither the late nor the present commission has produced a single result either useful in itself or bearing promise of utility, we cannot help regretting that the dissensions of the late commissioners should have stifled the only work that might have saved the credit of the undertaking.

## COURT PAPERS.

### WINTER CIRCUITS OF THE JUDGES.

Crown Office, Nov. 19.

Days and places appointed for holding the Special Commissions of Oyer and Terminer and Gaol Delivery for the under-mentioned counties, &c.:—

*Somersetshire*.—Monday, Dec. 3, at the Castle of Taunton.

*Devonshire*.—Friday, Dec. 7, at the Castle of Exeter.

*City of Exeter*.—The same day, at the Guildhall of the said city.

*Sussex*.—Thursday, Dec. 13, at Lewes.

*Southampton*.—Monday, Dec. 17, at the Castle of Winchester.

*Hertfordshire*.—Monday, Dec. 3, at Hertford.

*Surrey*.—Thursday, Dec. 6, at Kingston-upon-Thames.

*Essex*.—Monday, Dec. 10, at Chelmsford.

*Norfolk*.—Thursday, Dec. 13, at the Castle of Norwich.

*City of Norwich*.—The same day, at the Guildhall of the said city.

*Kent*.—Tuesday, Dec. 18, at Maidstone.

*Northumberland*.—Monday, Dec. 3, at the Castle of Newcastle-upon-Tyne.

*Town of Newcastle-upon-Tyne*.—The same day, at the Guildhall of the said town.

*Durham*.—Wednesday, Dec. 5, at Durham.

*Yorkshire*.—Saturday, Dec. 8, at the Castle of York.

*City of York*.—The same day, at the Guildhall of the said city.

*Cheshire*.—Saturday, Dec. 1, at Chester.

*Derbyshire*.—Thursday, Dec. 6, at Derby.

*Nottinghamshire*.—Monday, Dec. 10, at Nottingham.

*Town of Nottingham*.—The same day, at the town of Nottingham.

*Warwickshire*.—Thursday, Dec. 13, at Warwick.

*Staffordshire*.—Saturday, Dec. 1, at Stafford.

*Worcestershire*.—Thursday, Dec. 6, at Worcester.

*City of Worcester*.—The same day, at the city of Worcester.

*Gloucestershire*.—Monday, Dec. 10, at Gloucester.

*City of Gloucester*.—The same day, at the city of Gloucester.

*Herefordshire*.—Friday, Dec. 14, at Hereford.

*Glamorganshire*.—Tuesday, Dec. 18, at Cardiff.

## MARRIAGE OF A CLERGYMAN BY HIMSELF.

### COURT OF QUEEN'S BENCH, DUBLIN.

BEAMISH v. BEAMISH.—Nov. 16.

CRAMPTON, J., delivered the judgment of the Court in this interesting case. His Lordship commenced by observing that the case had been ably argued by counsel last term, and the questions raised were so novel and important that it stood over for the mature consideration of the Court until the present term. It had been heard in the absence of the Lord Chief Justice, and therefore it devolved upon him to deliver judgment. He (Crampton, J.) was glad to be enabled to say that it was an unanimous judgment, although, for the grounds upon which he rested it, he was alone responsible. The case came before the Court upon a special verdict, finding that the plaintiff brought an ejectment to recover certain lands in the county of Cork, a considerable estate, and he claimed to be entitled to the same as grandson and heir-at-law of Dr. John Swayne Beamish. The defendant denied the legitimacy of the plaintiff, and claimed as heir-at-law of Dr. Beamish; and such he undoubtedly was, unless the plaintiff's legitimacy was established. The facts as stated in the special verdict were these:—The late Dr. John Swayne Beamish was in his lifetime seised of considerable estates in fee-simple, and died on the 16th December, 1852. He had several sons, and the eldest was the Rev. Samuel Swayne Beamish, the defendant being the next brother of the latter. The Rev. Samuel Swayne Beamish was duly ordained a clergyman of the United Churches of England and Ireland, and it appeared that on the 27th November, 1832, being then in holy orders, he went to the house of Anne Lyons, in the city of Cork, and there performed a ceremony of marriage between himself and Isabella Frazer. The special verdict described the manner in which the ceremony took place, and the general form of solemnisation was that set out in the Book of Common Prayer of the United Churches of England and Ireland, Mr. Beamish then declaring that he took the said Isabella Frazer to be his wedded wife, she taking him to be her wedded husband. The wedding-ring was then placed upon her finger, and the blessing pronounced. After the ceremony, it was stated that the marriage was consummated between the parties. No clergyman was present at the performance of the ceremony except the Rev. Samuel Swayne Beamish himself, nor was any one present as a witness; but it was added, in the special verdict, that the performance of the ceremony was seen by Catherine Coffey, who, without the privacy of the parties to the marriage, witnessed it from

an adjoining yard, but did not hear what passed. It was further stated that Isabella Frazer was a member of the Church of England. It further appeared that the Rev. Samuel Swayne Beamish, who thus celebrated this marriage, died intestate on the 8th April, 1844, and the plaintiff, who is now a minor, was his eldest son, begotten on the body of Isabella Frazer in January, 1841. He (Crampton, J.) had stated in minute detail, and almost in the words of the special verdict, the facts which had been found; and the question was, whether upon those facts the plaintiff was entitled to recover the lands the subject of the ejectment. With respect to the facts there could be no possible doubt, for they were the statements of both parties upon the record. If the plaintiff was the legitimate son of the Rev. Samuel Swayne Beamish, he was entitled as grandson of Dr. Beamish; if not, then the defendant was entitled as the second son of Dr. Beamish. The first question to be considered was, had there been used at the ceremony in question words of present contract, by which the Rev. Samuel Swayne Beamish and Isabella Frazer engaged to become husband and wife? Secondly, had there been a marriage ceremony performed according to the form prescribed by the Book of Common Prayer? Thirdly, was the marriage so solemnised consummated between the parties? Fourthly, what was the effect of the marriage ceremony, there being no other clergyman present? And, lastly, whether, although there was no witness regularly present, the facts stated in reference to Catherine Coffey constituted her a witness? It appeared to all the members of the Court who heard the case argued, that a valid, although an irregular and clandestine marriage, had been solemnised upon the day and year stated in the special verdict. It was quite unnecessary for him (Crampton, J.) to go into a consideration of the canon law, it having been so fully discussed in the course of the arguments; neither was it necessary to go into any review of the numerous cases upon the subject antecedent to *Reg. v. Mills*, (10 Cl. & Fin. 534). In that case the unanimous opinion of the English judges was delivered by that eminent judge, Tindal, C. J.; and he stated that by the law of England at the time of the passing of the Marriage Act a marriage ceremony by present words and contract was not valid unless in the presence and with the intervention of a minister in holy orders. The House of Lords adopted that opinion; and Parke, B., observed, in the case of *Catherwood v. Cason*, (13 M. & W. 264), that the judges were bound to obey this decision. Negatively, the case of *Reg. v. Mills* decided that a contract of marriage, however solemn, was not valid without the intervention of a minister in holy orders; and affirmatively it established, that where the two elements concurred, a contract of marriage in the present tense, and the intervention of a minister in orders, then the marriage was valid. The dissenting law Lords thought that the marriage was complete without any religious ceremony, having probably in view the Scottish law; for one of their Lordships had been born in Scotland, and another educated in the same country. It was manifest in the case now before the Court, that there was a serious intention on the part of the Rev. Samuel Swayne Beamish and Isabella Frazer to take each other as husband and wife, and to perform all the duties of that relationship; and in order to obtain the sanction of religion, a ceremony was performed by a minister of the church. It seemed to him, (Crampton, J.), after an attentive perusal of the judgment given by the law Lords, that they would have deemed the marriage in the present case to be a valid one, and that no particular form of religious ceremony was required if there was a religious ceremony which the parties who were married felt to be a ceremony invoking a religious obligation. The argument of the

defendant's counsel was, that the minister who performed the ceremony appeared here to be the bridegroom himself, and that one of the functions of the minister was to be also a witness of what had taken place. No doubt it was very important that he should be a witness; but was the implication necessary, that he could not therefore dispense with the advantage resulting from this species of testimony? It had also been urged, that the ceremony prescribed in the Book of Common Prayer could not be in terms used upon such an occasion as the marriage of a minister by himself; and no doubt it would become necessary to change part of the language to make it suitable to such an occasion. But in answer to this it was urged, that the office of a minister was a religious office, and although he might be a witness to the ceremony, and a most important one, that was not his primary duty—that although it might be very important to have a person legally competent to attest the transaction, he was there in the first instance for the great purpose of performing a religious ceremony. As to the form prescribed in the Book of Common Prayer, there was a literal departure from it when the minister addressed himself on the occasion of partaking of the Sacrament of the Lord's Supper, and he was authorised by the rubric to make such a change in the words; and he (Crampton, J.) might add, that although the rubric required the rite of baptism to be performed by a minister in orders, yet its performance by a layman did not avoid the act, and it was permissible for a layman to interpose in cases of emergency. An irregular and clandestine marriage was not therefore void, but the clergyman who celebrated such was subject to ecclesiastical censure. There was abundant authority as to the validity of clandestine and irregular marriages, both before ecclesiastical and common-law tribunals. A strong appeal had been made by the defendant's counsel upon the danger of countenancing clandestine marriages, and the consequences likely to arise from establishing such a doctrine. He agreed that an unscrupulous clergyman (and such were happily very few) might for his own base purposes exercise an improper influence, arising from his position; but such cases would be exceedingly rare. The argument constituted an appeal to the Legislature, and not to the Court, which was bound to pronounce what the law actually was. The judgment upon the special verdict should be for the plaintiff.

PERRIN, J., said he fully concurred in the able judgment just pronounced, and in the arguments by which it had been supported, save upon one point. He denied that *Reg. v. Mills* was an authority to bind the Court, because while three learned and eminent law Lords held one opinion, three as equally learned and distinguished pronounced an opinion the other way.

MOORE, J., concurred.

THE CENSUS IN CHINA, AND THE EFFECT OF AGE UPON THE CHINESE PENAL CODE.—In a letter on the population of China, recently sent by Sir John Bowring to the Registrar-General in London, he says—"The penal laws of China make provision for a general system of registration, [of the population], and corporal punishment, generally amounting to a hundred blows of the bamboo, is to be inflicted on those who neglect to make proper returns. The machinery is confided to the elders of the district, and the census is required to be annually taken; but I have no reason to believe the law is obeyed, or the neglect of it punished. . . . There are not only many establishments for the reception of the aged, but the penal code provides severe punishments for those who refuse to relieve the poor in their declining years. Age may also be pleaded in extenuation of crime and in mitigation of punishment."

Within, tobacconist.—*Wm. Scudds*, Blackheath-park, Blackheath, livery-stable keeper.—*Wm. L. Thomas*, Cross-street, Finsbury, cowkeeper.—*John Ellis* and *Charles Ellis*, Trinity-square, Brixton, builders.—*John Miers*, Nelson-square, Blackfriars-road, appraiser.—*John Upson*, Bexley Heath, Kent, shoemaker.—*Thomas Leigh*, Wellingborough, Northamptonshire, wine merchant.—*Benjamin Hayne* and *Charles Hayne*, Upper Whitecross-street and Aldersgate-street, carpenters.—*Edward Hale*, Ware, Hertfordshire, fellmonger.—*Wm. Skipp Peebles*, East Dereham, Norfolk, builder.—*Thomas Briggs*, North Shields, grocer.—*Thomas Corah*, Nottingham, lace manufacturer.—*Samuel Briggs*, *Wm. Briggs*, and *Abraham Banks*, Keighley, Yorkshire, machine makers.—*John Warburton*, Sheffield, edge-tool manufacturer.

## TUESDAY, Nov. 20.

## BANKRUPTS.

**THOMAS CHOPPING**, Larkhall Brewery, Larkhall-lane, Clapham, brewer, (late carrying on business with Ebenezer Tearle and Matthew Chopping), and formerly of the Atlas Ironworks, Borough-road, Surrey, iron merchant, Nov. 28 at 2, and Dec. 22 at 12, London: Off. Ass. Cannan; Sols. Linklaters & Co., 17, Sise-lane, Bucklersbury.—Pet. f. Nov. 17.

**HENRY OSBORN**, Lower Thames-street, and Old Trinity-house, Water-lane, licensed victualler, Nov. 29 at 2, and Jan. 3 at 12, London: Off. Ass. Bell; Sol. Cook, Cheap-side.—Pet. f. Nov. 17.

**GEORGE FRASI**, Pembroke Wharf, Caledonian-road, and Golden-lane, Barbican, ironfounder, Dec. 5 at 2, and Jan. 2 at 1, London: Off. Ass. Graham; Sol. Taylor, South-street, Finsbury.—Pet. f. Nov. 17.

**HENRY WINDER**, Oxford-street, dealer and chapman, Dec. 5 at 2, and Jan. 2 at half-past 1, London: Off. Ass. Graham; Sol. Chidley, Gresham-street.—Pet. f. Nov. 19.

**JOHN HENRY WELCHMAN**, Grove-terrace, Bishop's-road, Paddington, wine merchant, Dec. 1 at half-past 1, and Jan. 12 at half-past 12, London: Off. Ass. Nicholson; Sol. Mount, 10, Clement's-lane.—Pet. f. Nov. 16.

**STEPHEN DUMMER SIMPSON**, East Cowes Park, Isle of Wight, dealer and chapman, Dec. 1 at 1, and Jan. 5 at half-past 12, London: Off. Ass. Pennell; Sol. Moss, 86, Queen-street, Cheap-side.—Pet. f. Nov. 14.

**RICHARD CLARKE**, Adelaide-street, Strand, dealer and chapman, Dec. 4 at 2, and Jan. 1 at 12, London: Off. Ass. Edwards; Sols. Ivimey, 30, Southampton-buildings; E. & H. Wright, Birmingham.—Pet. f. Nov. 9.

**WILLIAM CHAMBERLAIN**, Walsall, Staffordshire, builder, Dec. 1 and 22 at 11, Birmingham: Off. Ass. Bittleston; Sols. Wilkinson, Walsall; James, Birmingham.—Pet. d. Nov. 16.

**JAMES DAVIES**, Cradley Heath, Staffordshire, licensed victualler, Dec. 1 and 22 at 11, Birmingham: Off. Ass. Christie; Sols. Motteram & Knight, Birmingham.—Pet. d. Nov. 15.

**LEVI BAUGH**, Wallbrook, Sedgley, Staffordshire, publican, Dec. 1 and 22 at 11, Birmingham: Off. Ass. Bittleston; Sols. Smith, Horsley Heath; Motteram & Knight, Birmingham.—Pet. d. Oct. 19.

**JOHN ALLEN** and **JOSEPH MOORE**, Birmingham, dealers and chapmen, Dec. 1 at 11, and Jan. 10 at half-past 12, Birmingham: Off. Ass. Whitmore; Sols. C. & H. Wright, Birmingham.—Pet. d. Nov. 19.

**HOPKIN EUSTANCE**, Neath, Glamorganshire, dealer and chapman, Dec. 3 and Jan. 8 at 11, Bristol: Off. Ass. Acraman; Sols. Henderson & Co., Bristol; Cuthbertson, Neath, Glamorganshire.—Pet. f. Nov. 16.

**WILLIAM HENRY SAUNDERS**, Cardiff, Glamorganshire, dealer and chapman, Dec. 3 and Jan. 8 at 11, Bristol: Off. Ass. Acraman; Sol. Prideaux, Bristol.—Pet. f. Nov. 9.

**JAMES DARLING**, Sheffield, Yorkshire, grocer, Dec. 8 and Jan. 19 at 10, Sheffield: Off. Ass. Brewin; Sols. Hoole & Yeomans, Sheffield.—Pet. d. Nov. 9.

**JAMES RILEY**, Chester, dealer and chapman, Dec. 4 and 31 at 11, Liverpool: Off. Ass. Cazenove; Sol. Rymer, Liverpool.—Pet. f. Nov. 17.

**THOMAS CARRUTHERS**, Manchester, dealer and chapman, Nov. 30 and Dec. 21 at 12, Manchester: Off. Ass. Hernaman; Sol. Taylor, Manchester.—Pet. f. Nov. 12.

**JOHN MILLS**, Spring Foundry, New Bank, near Halifax, Yorkshire, dealer and chapman, Dec. 7 and Jan. 18 at 11, Leeds: Off. Ass. Young; Sols. Robson, Halifax; Cariss & Cudworth, Leeds.—Pet. d. Nov. 16.

**HENRY CAWTHRON**, Halifax, Yorkshire, dealer and chapman, Dec. 7 and Jan. 18 at 11, Leeds: Off. Ass. Young; Sols. Bennett, Halifax; Nettleton, Wakefield; Bond & Barwick, Leeds.—Pet. d. Nov. 16.

**JOHN BRONSON**, Liverpool, dealer and chapman, Nov. 30 and Dec. 21 at 11, Liverpool: Off. Ass. Turner; Sols. Tyrer, Liverpool; Mason & Sturt, 7, Gresham-street, Cheap-side.—Pet. f. Nov. 8.

**GEORGE MOSS**, Bron Offa, near Wrexham, Denbighshire, dealer and chapman, Dec. 4 and 31 at 11, Liverpool: Off. Ass. Morgan; Sols. Fletcher & Hull, Liverpool.—Pet. f. Nov. 16.

## MEETINGS.

*George Tennant*, Market-street, Westminster, licensed victualler, Dec. 1 at 12, London, last ex.—*Thomas Lumsden*, South Shields, Durham, shipbuilder, Dec. 6 at 11, Newcastle-upon-Tyne, last ex.—*Thomas Wayland*, Battersea, Surrey, beer-shop keeper, Dec. 6 at 12, London, aud. ac.—*Richard Mogg Arnold*, King-street, Covent-garden, Westminster, and Stephenson-terrace, Caledonian-road, Islington, cheesemonger, Nov. 27 at 11, London, aud. ac.—*Samuel Jennings* the younger, Goswell-street, carver and gilder, Dec. 4 at 12, London, aud. ac.—*George Selby*, Upper Thames-street, iron enameller, Dec. 1 at 11, London, aud. ac.—*Wm. J. Waller*, Herbert-street, New North-road, printseller, Dec. 6 at 2, London, aud. ac.—*George A. M'Lean*, High Holborn, tailor, Dec. 6 at 12, London, aud. ac.—*Frederick William Fawcett* and *William Parrott*, Lisle-street, Leicester-square, wholesale boot manufacturers, Dec. 6 at 1, London, aud. ac.—*Isaac Thorniley*, Bardsley, near Ashton-under-Lyne, cotton spinner, Dec. 7 at 12, Manchester, aud. ac.; Dec. 14 at 12, div.—*Wm. Riley*, *James Lupton*, *Robert Halstead*, and *John Haworth*, Burnley, Lancashire, cloth manufacturers, Dec. 6 at 12, Manchester, aud. ac.; Dec. 13 at 12, div.—*David Goodman*, Manchester, tobacconist, Dec. 5 at 12, Manchester, aud. ac.; Dec. 12 at 12, div.—*Wm. Jones*, Manchester, oil merchant, Dec. 5 at 12, Manchester, aud. ac.; Dec. 12 at 12, div.—*Thomas Younger* the elder, Sunderland, builder, Dec. 6 at 12, Newcastle-upon-Tyne, aud. ac.—*Joseph Feeny*, Liverpool, eating-house keeper, Nov. 30 at 11, Liverpool, aud. ac.—*George Armitage*, *John Frankish*, *William Frankish*, and *Thomas Barker*, Sheffield, Yorkshire, railway spring manufacturers, Dec. 1 at 11, Sheffield, aud. ac. joint est., and aud. ac. sep. ests. of *George Armitage* and *Thomas Barker*.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Matthew James Popplewell*, Clement's-lane, London, merchant, Dec. 12 at 2, London.—*Henry Andrews Simon*, Albion-road, Wandsworth-road, boarding-house keeper, Dec. 12 at 1, London.—*Thomas Bishop* and *William Bishop*, White Lion-street, Bishopsgate, builders, Dec. 12 at half-past 12, London.—*Emilio Viaretti*, Bedford-street, Bedford-square, general commission agent, Dec. 11 at 2, London.—*Thomas Sloper*, White Horse-terrace, Stepney, auctioneer, Dec. 11 at 12, London.—*George Pynes*, Bristol, cordwainer, Dec. 18 at 11, Bristol.—*David Norbury*, Chorley and Alderley, Cheshire, cattle dealers, Dec. 12 at 12, Manchester.—*John Henry Mills*, Horton, Bradford, Yorkshire, stuff merchant, Nov. 23 at 11, Leeds, (and not Sheffield, as before advertised).

To be granted, unless an appeal be duly entered.

*Robert Wall*, Piccadilly, saddler.—*James Turner*, Hedge-row, Islington, draper.—*Louis Lichtenstein*, Great St. Helen's, London, merchant.—*David Edwards* the younger, Landport, Portsea, corn factor.—*Wilfrid Latham*, Liverpool, commission merchant.—*Louis Selig*, Liverpool, trader.—*John Strong* the younger, Birkenhead, Cheshire, steam-boat owner.—*Richd. Birtwistle*, Bury, Lancashire, innkeeper.—*William Meilor*, Chorley and Alderley, Cheshire, cattle dealer.—*Joseph James Brierley* and *Robert Arrowsmith* the younger, Manchester, silk manufacturers.

## PETITION DISMISSED.

*James Choat*, Bishopgate-street Within, tailor.

## PARTNERSHIP DISSOLVED.

*Edward Lawrence Gibbs* and *Thomas Barnes Couchman*, Henley, Arden, Warwickshire, attorneys-at-law, solicitors, and conveyancers, (under the style or firm of Gibbs & Couchman).

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## GAZETTES.—FRIDAY, Nov. 23.

## BANKRUPTS.

**FREDERICK FRANCIS FOX**, Finch-lane, London, tailor, Dec. 3 and Jan. 4 at 11, London: Off. Ass. Cannon; Sols. Venning & Co., 9, Tokenhouse-yard.—Pet. f. Nov. 21.

**ROBERT GADSDEN**, Millwall, Poplar, cement manufacturer, Dec. 3 and Jan. 4 at half-past 11, London: Off. Ass. Cannon; Sol. Barrow, 95, Guildford-street, Russell-square.—Pet. f. Nov. 13.

**RICHARD BRIANT**, Murray-street, New North-road, Hoxton, carpenter, Dec. 5 and Jan. 2 at half-past 2, London: Off. Ass. Stansfeld; Sol. Brown, 21, Finsbury-place.—Pet. f. Nov. 21.

**RICHARD BUTLER**, Pickering-terrace, Bayswater, ironmonger, Dec. 4 at 11, and Dec. 31 at 12, London: Off. Ass. Johnson; Sol. Turner, 30, Charles-street, City-road.—Pet. f. Nov. 22.

**DANIEL DAVIS**, Newington-causeway, Surrey, glass merchant, Dec. 4 at 1, and Jan. 2 at 2, London: Off. Ass. Graham; Sol. Stubbs, 46, Moorgate-street, City.—Pet. f. Nov. 6.

**JOHN PHILLIPS**, Wood-street, Clerkenwell, wholesale rag merchant, Dec. 6 and Jan. 1 at 2, London: Off. Ass. Lee; Sol. Stubbs, 46, Moorgate-street, City.—Pet. f. Nov. 21.

**HENRY CORNEY**, Brighton, builder, Dec. 6 and Jan. 1 at 1, London: Off. Ass. Edwards; Sols. Kennett, Brighton; Sowton, 6, Great James-street, Bedford-row.—Pet. f. Nov. 21.

**JOHN DAVIS**, Worcester, tailor, Dec. 5 and Jan. 9 at half-past 10, Birmingham: Off. Ass. Christie; Sols. Rea, Worcester; E. & H. Wright, Birmingham.—Pet. d. Nov. 22.

**SAMUEL SMART**, Lenton, Nottinghamshire, builder, Dec. 11 and Jan. 8 at half-past 10, Nottingham: Off. Ass. Harris; Sols. Bowley, Nottingham; Hodgson & Allen, Birmingham.—Pet. d. Nov. 20.

**THOMAS WILLIAMS**, Aberdare, Glamorganshire, brewer, Dec. 7 and Jan. 8 at 11, Bristol: Off. Ass. Miller; Sols. Simmons, Merthyr; Henderson & Co., Bristol.—Pet. d. Nov. 9.

**GEORGE HANNAFORD**, St. Mary Church, Devonshire, baker, Dec. 5 and 27 at 1, Exeter: Off. Ass. Hirtzel; Sol. Laidman, Exeter.—Pet. f. Nov. 21.

**JOSEPH STEAD**, Leeds, grocer, Dec. 10 at 12, and Jan. 7 at 11, Leeds: Off. Ass. Hope; Sols. Bond & Barwick, Leeds.—Pet. d. Nov. 20.

**JONAS SMITH**, Victoria Mill, Low Moor, Yorkshire, worsted spinner, Dec. 7 and Jan. 18 at 11, Leeds: Off. Ass. Young; Sols. Wavell & Co., Halifax.—Pet. d. Nov. 21.

**OWEN WILLIAMS**, Manchester, flour dealer, Dec. 4 and Jan. 8 at 12, Manchester: Off. Ass. Fraser; Sols. Higson & Robinson, Manchester.—Pet. f. Nov. 19.

## MEETINGS.

*John Miller*, Conduit-street West, Paddington, corn dealer, Dec. 13 at 11, London, div.—*William Strahan*, *Sir John Dean Paul*, Bart., and *Robert Makin Bates*, Strand, bankers, and *Norfolk-street*, Strand, navy agents, Dec. 11 at 11, London, div.—*John Morrison*, Cheapside, tailor, Dec. 11 at 1, London, div.—*William Cornish*, Great Thurlow, Suffolk, grocer, Dec. 11 at half-past 1, London, fin. div.—*John Stevenson*, Barham, Suffolk, innkeeper, Dec. 11 at half-past 1, London, div.—*Hansard Jackson Bridges*, Wandsworth-road, Surrey, and *Stowmarket*, Suffolk, brewer, Dec. 11 at half-past 1, London, div.—*James Haywood*, Derby, ironfounder, Dec. 11 at half-past 10, Nottingham, and. ac. and div.—*James Wilson Jeffries* and *John Meek*, Liverpool, merchants, Dec. 12 at 11, Liverpool, div.—*George Pryde*, *David Jones*, and *John Gibb*, Liverpool, sail makers, Dec. 12 at 11, Liverpool, div.—*Sylvester Lewis Samuel*, Liverpool, watch manufacturer, Dec. 11 at 11, Liverpool, div.—*John David Neill* and *Henry Sanderson*, Liverpool, ship brokers, Dec. 12 at 11, Liverpool, div. sep. est. of *John David Neill*.—*Hugh Brown*, Liverpool, ship chandler, Dec. 13 at 11, Liverpool, div.—*Joseph Feeny*, Birkenhead, Cheshire, eating-house keeper, Dec. 13 at 11, Liverpool, div.—*Frank Castelli*, Bury-court, St. Mary-axe, merchant, Dec. 11 at 12, London, pr. d.—*O. Thomas*, Manchester, tailor, Dec. 5 at 12, Manchester, last ex.—*Arthur Ferdinand de Neumann*, Gloucester-street, Fimlico, and *Lime-street*, merchant, Dec. 10 at 2, London, and. ac.—

*Gustave Louis Longfle*, Pilgrim-street, Ludgate-hill, merchant, Dec. 7 at 12, London, and. ac.—*John Stevenson*, Barham, Suffolk, innkeeper, Dec. 5 at 12, London, and. ac.—*Charles John Mare*, Orchard-yard, Blackwall, shipbuilder, Dec. 5 at 11, London, and. ac.—*Edward Prichard*, Monmouth, clothier, Dec. 30 at 11, Bristol, and. ac.—*Henry Evans* and *Samuel Beane*, Dudbridge, Stonehouse, Gloucester, saddle-tree makers, Dec. 13 at 11, Bristol, and. ac.—*Morgan Williams*, Lisanelly, Carmarthenshire, wine merchant, Dec. 6 at 11, Bristol, and. ac.—*George Lowry*, Salford, Lancashire, flax spinner, Dec. 5 at 12, Manchester, and. ac.—*Jacob Abraham Jacques* and *Louis Selig*, traders, Dec. 6 at 11, Liverpool, and. ac.—*Joseph Spencer*, Bilston, Staffordshire, ironfounder, Dec. 8 at 11, Birmingham, and. ac.—*S. Carlton*, Darlington, Durham, coach manufacturer, Dec. 11 at 1, Newcastle-upon-Tyne, and. ac.—*Thos. Walton*, Haverthill, Durham, glass manufacturer, Dec. 11 at half-past 11, Newcastle-upon-Tyne, and. ac.—*Henry Lee Fry*, Plymouth, artists' colourman, Dec. 17 at 1, Plymouth, and. ac. and div.—*Hugh Williams* the elder, *John Williams*, and *Hugh Williams* the younger, West Smithfield, tailors, Dec. 15 at half-past 11, London, div. joint est.; at half-past 12, div. sep. ests. of *H. Williams* the elder and *J. Williams*.—*John Reay* and *John Robert Reay*, Mark-lane, wine merchants, Dec. 15 at 12, London, fin. div. joint est., and div. sep. est. of *John Reay*.—*John William Nyren* and *Adam Wilson*, Battersea, Surrey, colour manufacturers, Dec. 14 at half-past 11, London, div. sep. est. of *Adam Wilson*.—*Richard Walker*, Wisbeach, St. Peter's, Cambridgeshire, stationer, Dec. 15 at half-past 1, London, div.—*Wm. Robinson*, Ovington-square, Brompton, and *Trinity-square*, Tower-hill, corn factor, Dec. 14 at 11, London, div.—*John Brown*, Winchester, Southampton, carpenter, Dec. 14 at 12, London, fin. div.—*Philip Rufford*, *P. Rufford*, and *C. J. Wragge*, bankers, Dec. 19 at half-past 10, Birmingham, fin. div. sep. ests. of *P. Rufford* and *F. Rufford*.—*Phoebe Wesson*, Loughborough, Leicestershire, bleacher, Dec. 18 at half-past 10, Birmingham, div.—*Charles Phillips*, Weston-super-Mare and *Barham*, Somersetshire, potter, Dec. 21 at 11, Bristol, div.—*John Lambert*, Halifax, timber dealer, Dec. 14 at 11, Leeds, div.—*Wm. J. Mackenzie*, Clay Cross, Derbyshire, surgeon, Dec. 15 at 10, Sheffield, div.—*Thos. F. Featherstone*, York, linendraper, Dec. 14 at 11, Leeds, div.—*Samuel Oldfield*, *John Allan*, and *Edward J. S. Cousens*, Huddersfield, woollen cloth merchants, Dec. 14 at 11, Leeds, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Thos. Smith*, Kingston-upon-Hull, grocer, Dec. 12 at 12, Kingston-upon-Hull.—*William Johnson*, Mountcorrel, Leicestershire, innkeeper, Dec. 11 at half-past 10, Nottingham.—*Edw. Ashwell*, Gosberton, Lincolnshire, grocer, Dec. 11 at half-past 10, Nottingham.—*Wm. Keeling*, Birmingham, merchant, Dec. 17 at half-past 12, Birmingham.—*Thomas Burns*, Southampton, woollendraper, Dec. 15 at half-past 1, London.—*William Watkin Ford*, Sydney-cottage, Horseay-road, and *Howard's*-buildings, Brick-lane, Old-st., St. Luke's, wholesale brush manufacturer, Dec. 14 at half-past 11, London.—*Thomas E. Shales*, Brighton, linendraper, Dec. 17 at 1, London.—*Richard Hoyer*, West Cowes, Isle of Wight, licensed victualler, Dec. 17 at 2, London.—*Henry L. Fry*, Plymouth, artists' colourman, Dec. 17 at 1, Plymouth.—*Richard Jarvis*, Wolverhampton, beer-seller, Dec. 17 at half-past 12, Birmingham.—*Henry Clarke*, Church Stretton, Shropshire, seedman, Dec. 17 at half-past 12, Birmingham.—*Miles Robinson*, Notwood, near Otley, Yorkshire, farmer, Dec. 14 at 11, Leeds.—*Thomas Linfoot*, York, builder, Dec. 18 at 1, Leeds.

To be granted, unless an appeal be duly entered.

*William Crampton*, Bedford, near Leigh, Lancashire, cotton manufacturer.—*Joseph Dent*, Atherstone Warwickshire, builder.—*Nathan Leary*, Worcester, clothier.—*Wm. Charles Holland*, Lincoln, grocer.—*Bryan Hebden*, Filey, Yorkshire, innkeeper.—*Thomas Routledge* and *Joseph Routledge*, Commercial-road, Lambeth, saw mills proprietors.—*John Walter Rymill*, Paul's Wharf, Upper Thames-street, paper agent.—*R. Gray*, Bishop's Waltham, and *St. Mary-st.*, Southampton, hop merchant.—*Matthew Richmond*, Steele, Leicestershire, draper.—*T. Scully* and *E. Scully*, Curtain-road, Shoreditch, wholesale cheesemongers.—*Thomas Lawrence*, Reading, Berkshire,

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## THE JURIST.

LONDON, DECEMBER 1, 1855.

THE case of Mr. William Henry Barber has been frequently noticed in our pages; but a condensed history of it, now that his labours have at length been crowned with success, cannot fail to be interesting to our readers.

The narrative was sufficiently remarkable before the recent judgment of the Court of Queen's Bench; but it has now become more worthy of attention, as an example of the triumph which awaits importunity for right, and also of the desire which animates our judges to act justly towards those who appeal to them, however it may interfere with their previous judgments or their preconceived impressions. There is nothing more delightful than to contemplate a great act of justice, and the pleasure is, if possible, enhanced when we are aware that it must have been performed at some violence to the feelings, which may almost unconsciously have formed themselves into prejudices, and by reversing the effect of that which before has been decided by the same tribunal. In this country, so high is the character of our judges, so happy are we in the administration of justice, that, as a general rule, no suppliant need despair whose consciousness of innocence can support him through the terrible ordeals to which he will be subjected by the imputation of guilt.

Mr. Barber, after having served his articles with the Messrs. Scoones, of Tunbridge, practised as an attorney in London; and here, while his practice was gradually increasing, a Mr. Fletcher, a retired surgeon, of some property, residing at Camberwell, was introduced to him as a client. He employed Mr. Barber in drawing agreements, leases, &c. between him and his tenants, and in the course of such employment informed him, that he had been successful in tracing the rightful owners of unclaimed dividends in several instances, and had been rewarded for his trouble by receiving 5l. per cent. upon the amount recovered. He gradually introduced cases of this nature to the office of Mr. Barber, employing him to perform such services with respect to them as are required to be performed by a solicitor. During four years he brought, mixed up with other business, nine of these cases; five were genuine, four were fraudulent, the latter being supported by forgeries and falsehoods of the deepest dye. It was beyond all dispute that Fletcher's guilty accomplices were a wretched old woman of the name of Richards, who lived just long enough to complete the first fraud, her two daughters, Mrs. Dorey and Mrs. Sanders, and the husband of the latter, Mr. Sanders, a fishmonger in Bristol. This being clear, the only question was and has been, whether Mr. Barber was deceived by these artful criminals, or was himself a participator in their crime? He was one morning waited upon at his office by Mr. Freshfield, solicitor to



the Bank of England, who, after introducing the subject, quickly assumed a threatening tone towards Mr. Barber, who thereupon declined to be *led* in the performance of his duties by his visitor. He had the misfortune to offend Mr. Freshfield by his answers. A week afterwards he was arrested on his way to his office, taken before a magistrate, and charged with uttering a forged will for the purpose of obtaining unclaimed dividends. He immediately sent for Fletcher, insisted upon his telling the whole truth and giving his evidence in open court, which very soon had the effect of transferring Fletcher to prison, but not, as had been anticipated, of releasing Mr. Barber.

In course of time, in April, 1844, (twelve years ago!), Fletcher, Mr. and Mrs. Sanders, Mrs. Dorey, and Mr. Barber were arraigned at the bar of the Old Bailey upon these charges. Mr. Barber applied for a separate trial, so that he might have the benefit of the evidence of those who stood by his side, and who alone could testify to what had passed between them. The application was refused. Mr. and Mrs. Sanders and Mrs. Dorey pleaded guilty. The trial of the first case (Stewart's) lasted three entire days, and resulted in the conviction of Fletcher, but in the acquittal of Mr. Barber. The next case that was taken, although the last in order of time, was Slack's case, and in this Mr. Barber was found guilty. The indictments in the other two cases (Burchard's and Hunt's) were not proceeded with. Barber was suddenly called upon to say why judgment should not be passed upon him, and then made a statement declaring his innocence, and charging Fletcher, who stood by him, with having deceived him to his ruin. He and Fletcher were sentenced to transportation for life; Sanders to transportation for seven years; Mrs. Sanders and Mrs. Dorey to two years' imprisonment. Barber and Fletcher were sent to the worst penal settlement, Norfolk Island, where Fletcher was made a clerk, and Barber was employed in cleaning out the wards of the convicts. Applications for *his* services as a clerk were refused, and he was intentionally subjected to indignities and cruelties, from which even Fletcher was exempt. At length, stretched upon a sick bed in the hospital of Norfolk Island, he wrote a memorial to the British Government, which, however, was long kept back by the authorities of the island. Fletcher, as well as Sanders, had now made public confessions of their guilt, and of Barber's entire innocence. There was, however, no mode open to him of laying these facts before the Government, or of obtaining a favourable response to them. But stricken, prostrate, as he was, he was not utterly forsaken. Those peaceful, beneficent agencies were at work, which, rising gradually from the under-current to the surface of life, bring hope and succour to the desolate and the oppressed. A most excellent man, the Rev. T. B. Naylor, (chaplain of Norfolk Island), had become deeply impressed with a belief in Barber's innocence. He it was who thus alluded to his sufferings, and the fortitude with which they were endured:—"I have never known a prisoner of the Crown who has been subjected to greater wretchedness. I rejoice to be able to add, that I have never seen an instance of more dignified suffering, accompanied by invariably consistent

conduct. It will afford me real pleasure to continue his acquaintance under happier circumstances\*." It was this most estimable clergyman who, in a letter addressed to Lord Stanley in 1846, said, "I am certain that if there were any mode of appeal, I could establish Barber's innocence; and so painfully do I feel the misery of his condition that I would in that case *make a voyage to England for the purpose of doing so*; for the thought perpetually haunts me that Barber is undeservedly undergoing the fate of a convict at Norfolk Island, and I cannot shake off the distress it occasions me." Unable himself to take the voyage thus suggested, he actually sent Mrs. Naylor, with her infant child, to England with Mr. Barber's papers, and then for the first time the memorial and documents supporting it were read, an investigation was instituted in this country, and Mrs. Naylor returned with a letter from the Secretary of State, acquainting the reverend gentleman that the result of the inquiry was satisfactory, and a pardon would be sent out. Accordingly a pardon—conditional upon his not returning to Great Britain or Ireland—was received by Mr. Barber in April, 1847. He was at this time with Fletcher and other prisoners at Impression Bay, in Tasmania. This event, and its immediate results, shall be given in his own words:—

"Joyful was this news to my suffering mind. I was nevertheless in an awkward dilemma. The superintendent accompanied the intelligence by saying, 'You must give in your prison clothing, and proceed to Hobart Town, where you will receive the necessary document.' 'With what clothes,' said I, 'shall I be furnished to travel in?' (for not one article had I of my own). '*I have no orders*,' said he, '*about that*.' The principal communication between Hobart Town and Impression Bay was by water; but as the conditional pardon came unaccompanied by any authority for a free passage, I was unable to obtain one. By land it was about ninety miles, through an almost untrodden region—a gum-tree wilderness, without, for the greater part, any roads, except a slight kind of sheep track, at many places quite effaced by heavy rains; but go I must; and for aught that the Government provided for me, under such extraordinary circumstances, I might have wandered to Hobart Town naked and without food. My miserable fellow-prisoners, however, had more compassion upon me, and clubbed together such few odd articles of wearing apparel as they happened to possess; and I gladly do the superintendent and the religious instructor the justice to say, that they eked out the charity of those whose fellow-captive I had so long been, sufficiently to enable me to set out upon my journey—a wandering mendicant round the earth—having the fixed resolve to proceed, by the blessing of Providence, to Paris, (a distance of 20,000 miles), there to renew my never-ceasing struggle for justice. I sometimes travelled thirty miles of that weary, though welcome, journey without seeing a person from whom I could inquire the way. Knowing, however, the geographical position of Hobart Town, the sun served as my compass by day, and the stars by night. My course

\* See his statement, dated Norfolk Island, September, 1845, set forth in a pamphlet published by Mr. Barber, p. 91, 8th ed., 1853.

sometimes lay by the sea-coast, but oftener 'deep in the wood's embrace,' as I emerged from which the scenery was often sublimely beautiful. After crossing mountains and fording streams, I in three days and three nights reached Tasmania's capital. Had a stage harlequin suddenly made his appearance, he could scarcely have attracted more attention than I did in my motley, ill-fitting suit. I was, however, soon metamorphosed. I there found the Rev. Mr. Rogers, the late chaplain of Norfolk Island, who generously received and maintained me at his own house for two months."

As soon as his case had been fully inquired into, a subscription was raised in order to enable Mr. Barber to proceed to Sydney. He arrived there after a voyage of ten days, and there also a very handsome sum was subscribed for him, chiefly by the judges, barristers, and solicitors. He then took ship for China, driven to adopt that circuitous route in order to avoid the British coast. He proceeded to Canton, where he had a very narrow escape from assassination. He then sailed for Madras, where he arrived on the 20th January, 1848, after having been nearly shipwrecked in a dead calm, the current setting direct towards that dangerous sunken rock known to mariners as Pedro Branca, at the entrance to Singapore\*. At Madras he was received with cordiality and kindness, a munificent subscription was raised for him, and on the 14th February he resumed his journey, and, by the route of Egypt and Trieste, reached Paris on the 4th May. His first step was to lay his papers before the Marquis of Normanby, by whom they were transmitted to the Government; and in the following November he received at Paris his full and unconditional pardon. He now lost no time in proceeding to England, and although he had never been struck off the roll of attorneys and solicitors, it was necessary for him to apply for permission to take out his certificate, as more than twelve months had elapsed since he had done so.

Accordingly, in January, 1849, the application was made; it was opposed by the Incorporated Law Society, and referred to a Master of the Court; in July, 1850, judgment was given refusing the certificate. In May, 1851, the application was renewed, but unsuccessfully. It was now that important evidence came to light, comprising two long statements by William Sanders, made by him for the information of his attorney previously to his trial, and a statement by Mrs. Dorey, made for the same purpose. By following up the information contained in these documents, further evidence was obtained, all tending to corroborate Mr. Barber's statements from the time of his trial to the period of their discovery. Fortified by these welcome auxiliaries, another application was made by Mr. Barber, in May, 1853, to the Master of the Rolls, but he was referred back to the Queen's Bench. To that Court again he went; in last Easter Term a rule nisi was granted on his behalf, and on the 21st November, 1855, the rule was made absolute for the re-admission of Mr. Barber. Thus, after the lapse of twelve years since his conviction, Mr. Barber resumes his place in society, his conviction annulled, his sentence remitted, his professional status restored.

Twelve precious years have been spent in outward wretchedness and disgrace—twelve years have been struck out of a professional career at the time when he was pursuing it was in the prime of life, and advancing towards success. Is there no remedy for this—no compensation from society for the grievous wrongs which it inflicts upon the innocent man con-

victed? We trust there may be, and in the meantime heartily congratulate Mr. Barber upon his complete vindication, and wish him all prosperity in his renewed vocation.

## NOTES OF THE WEEK.

Mr. M. T. Baines, Q. C., M.P. for Leeds, and formerly President of the Poor-law Board, has been appointed Chancellor of the Duchy of Lancaster.

## Reviews.

*The Lawyer's Companion for 1856. Edited by W. F. FINLASON, Esq., Barrister at Law. (Continued annually). [Stevens & Norton.]*

THIS useful work has become more useful under the careful and industrious editorship of Mr. Finlason, and a glance at its contents will shew how worthy it is of being the companion of a practical and practising lawyer. It contains—

A law calendar for the year.

A retrospective calendar for four previous years.

The sittings of the Courts in and out of term.

Rules as to time, and tables shewing the time for taking steps in suits in law, equity, and bankruptcy.

The offices of the courts—their hours and their holidays.

Costs and fees in Common-law, Chancery, Bankruptcy, and County Courts.

Recent cases as to practice.

Useful forms in legal proceedings, affidavits, attestations, notices, &c.

Tables of stamp duties.

Tables for computing costs, calculating discount, interest, &c.

Rules for the admission of attorneys.

Index to statutes of practical utility, from the 1 Geo. 4 to last session.

A London and provincial law directory.

A diary for 1856, with memoranda as to legal business.

Recent cases bearing upon these subjects have been carefully collected, and the forms have been recast under the Common-law Procedure Acts of 1852 and 1854.

The index to practical statutes from 1 Geo. 4 to 1856 has been compiled expressly for the work by the editor, and will be found very useful. One of the tables relating to costs shews at a glance the amount of the fractional parts of a bill of costs.

*The Summary Procedure on Bills of Exchange Act, 1855, (18 & 19 Vict. c. 67); with an Introduction, Explanatory Notes, and Index. Second Edition, including the New Rule as to Costs. By O. B. C. HARRISON, Esq., Barrister at Law. [Wildy & Sons, 1855.]*

WE formerly called attention to the main provisions of this statute, (ante, p. 389), which has been rendered almost a dead letter by reason of the blunder in omitting all mention of costs from the indorsement on the writ of summons, and of its being still open to suitors to adopt the old in preference to the new system. The editor states that the omission to which we have just referred arose from a mistake in the draft of the bill when before Parliament. The question whether a sum for costs may be indorsed, notwithstanding the defect in the act, was recently pending before the Court of Exchequer, and has just been set at rest by a Rule of Court. (See post, p. 464). Mr. Harrison also points out a mistake in the notice subscribed to the writ, stating, that "if the defendant do not obtain leave from one of the judges of the courts within twelve days after having been served with this writ, inclusive

\* See the work before referred to, p. 30.

of the day of such service, to appear thereto, and do" ("not" omitted) "within such time cause an appearance to be entered" &c., the plaintiff may sign final judgment. This is also set right by the Rule just alluded to. He agrees with the views which we formerly expressed, that the act does not apply to persons out of the jurisdiction of the Courts, (p. 15), and that the blank in the indorsement on the writ should be filled up with the word "four," so as to make the proceedings liable to be stayed on payment of the debt within "four days." This is now ordered by the Rule of Court.

The few cases decided under the act are collected, (including *Knight v. Pocock*, 1 Jur., N. S., part 1, p. 1022), and altogether it is a useful little manual upon the subject of which it treats.

### GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

LINCOLN'S INN.—John Langton Sanford, Esq.; Francis Mount Barlow, Esq., M.A.; William Lascelles, Esq.; Thomas Rees Oliver Powell, Esq.; William Huskisson Tilghman, Esq., B.A.; Joseph Henry Woolley, Esq., LL.B.; Arthur Joseph Munby, Esq., B.A.; Joseph Loxdale Warren, Esq., B.A.; Joseph Dixon, Esq.; Henry Clark, Esq., B.A.; William Brodrick, Esq., B.A.; Frederick Williams, Esq.; Henry James Conington, Esq.; Joseph Pedley, Esq.; and Henry Mather Jackson, Esq., B.A.

INNER TEMPLE.—Thomas Randle Bennett, Esq., M.A.; William Murray, Esq.; Thomas Francis Fremantle, Esq.; Nathaniel Charles Curzon, Esq., B.A.; Whitley Stokes, Esq., B.A.; Herbert Eliot Ormerod, Esq., B.A.; William Algernon Slade Gully, Esq., M.A.; Francis Seymour George, Esq., B.A.; Henry Charles Hull, Esq., B.A.; Herbert William Fisher, Esq., M.A.; Francis Philips, Esq., B.A.; Charles Marshall Griffith, Esq., M.A.; William Leech, Esq., B.A.; and Edward Wallace Goodlake, Esq.

MIDDLE TEMPLE.—Hopson Pinckney Walker, Esq., B.A., Jesus College, Cambridge; Charles William Crouch, Esq., B.A., London University; Edward William Pittar, Esq., M.A., Caius College, Cambridge; Edward Clennell Dunn, Esq., B.A., London University; Samuel Bruce, Esq., LL.B., London University; Edward Henry Lovell, Esq., B.A., St. John's College, Cambridge; Charles William Dyer, Esq., M.A., Emmanuel College, Cambridge; and James Cherry, Esq.

GRAY'S INN.—James Goodson, Esq.

### COURT OF EXCHEQUER.

MICHAELMAS TERM.—18 VICTORIA.—Nov. 22, 1855.

This Court will, on Saturday, the 1st day of December next, hold a sitting, and will at such sitting proceed in giving judgment in cases then standing for judgment.

FREDERICK POLLOCK.  
J. PARKE.  
E. H. ALDERSON.  
T. J. PLATT.

By an Order in Council her Majesty has extended the application of the Summary Procedure on Bills of Exchange Act, 1855, to Kingston-upon-Hull.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Richard Child Heath, gent., of Warwick, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Warwick.

### REGULA GENERALIS.

MICHAELMAS TERM, 1855.

*The Summary Procedure on Bills of Exchange Act, 1855.*

The indorsements on writs under this act may be in the following form:—

This writ was issued by E. F., of &c., attorney for the plaintiff, [or, by A. B.], who resides at [mention the city, town, or parish, and also the name of the house, street, and number of the house of the plaintiff's residence.]

The plaintiff claims £— principal and interest, [or, £— balance of principal and interest], due to him as the payee [or, indorsee] of a bill of exchange [or, promissory note], of which the following is a copy:—

[Here copy bill of exchange or promissory note, and all indorsements upon it.]

And also — shillings for noting, [if noting has been paid], and £— for costs. And if the amount thereof be paid to the plaintiff or his attorney within four days from the service hereof, further proceedings will be stayed.

### Notice.

Take notice, that if the defendant do not obtain leave from one of the judges of the courts within twelve days after having been served with this writ, inclusive of the day of such service, to appear thereto, and do not within such time cause an appearance to be entered for him in the court out of which this writ issues, the plaintiff will be at liberty at any time after the expiration of such twelve days to sign final judgment for any sum not exceeding the sum above claimed, and the sum of £— for costs, and issue execution for the same.

Leave to appear may be obtained on an application at the judges' chambers, Serjeants'-inn, London, supported by affidavit shewing that there is a defence to the action on the merits, or that it is reasonable that the defendant should be allowed to appear in the action.

*Indorsement to be made on the Writ after Service thereof.*

This writ was served by X. Y. on L. M. [the defendant], on Monday, the — day of —, 185—, by X. Y.

Nov. 26, 1855.

BY THE JUDGES.

N.B.—No other claim than a claim on a bill of exchange or promissory note is to be included in writs issued under the Summary Procedure on Bills of Exchange Act, 1855.

### FRIENDLY SOCIETIES.

ORDERS FOR REGULATING PROCEEDINGS BY AND BEFORE THE JUDGES OF COUNTY COURTS,

*Under an Act passed in the Session of Parliament holden in the eighteenth and nineteenth Years of her present Majesty, intituled "An Act to consolidate and amend the Law relating to Friendly Societies," made by the Right Hon. Robert Monsey Baron Cranworth, Lord High Chancellor of Great Britain.*

1. *Proceedings to be by Plaintiff.*—On the application of any person wishing to take proceedings in the county courts, under the provisions of the 18 & 19 Vict. c. 63, for consolidating and amending the law relating to friendly societies, the clerk of the court shall enter a plaint in the plaint-book of the court, and issue a summons thereon, and take all other proceedings, and enter the same, as in cases within the ordinary jurisdiction of the court.

2. *Particulars.*—In every case of proceeding taken under the above act, the plaintiff shall, at the time of entering his plaint, deliver at the office of the clerk as many copies of a statement of the particulars of his complaint or demand as there are defendants, and an additional copy to be filed; and all such copies shall be taken to be and be treated as part of the summons.

3. *As to Service of Summons.*—Where the defendant is a trustee, member of the general committee of management, treasurer, or other officer of a friendly society, the summons may be served at the usual place of business of the society, and in all other cases according to the ordinary practice of the court.

4. *Forms.*—The forms contained in the schedule hereto may be used in the several cases to which the same are applicable.

5. *Practice to continue, subject to these Orders.*—The enactments, practice, and forms in force and used in the county courts shall, subject to the foregoing orders, be adopted with reference to proceedings taken under the before-recited act, so far as the same are applicable, mutatis mutandis.

6. *Power to revoke Orders reserved.*—The above orders shall be in force until further orders shall be made under the 18 & 19 Vict. c. 63, for consolidating and amending the law relating to friendly societies.

Dated this 7th day of November, 1855.

(Signed) CRANWORTH, C.

#### SCHEDULE OF FORMS.

No of plaint —.

In the County Court of —, holden at —.  
(Seal).

Between A. B., Plaintiff,  
and  
C. D., Defendant.

[Issued under the provisions of the Friendly Societies Act, 1855, (18 & 19 Vict. c. 63).]

[Name of defendant, adding thereto the title of the office in the society as the holder of which he is summoned, and the name of the society], you are hereby summoned to appear at a county court to be holden at —, on the — day of —, at the hour of — in the forenoon, to answer [name, description, and address of plaintiff] in a matter, the particulars of which are hereunto annexed.

Dated the — day of —.

—, Clerk of the Court.

Summonses for witnesses and the production of documents may be obtained at the office of the clerk.

Hours of attendance at the office of the clerk from ten till four o'clock.

#### Order.

No. —.

In the County Court of —, holden at —.  
(Seal).

Between A. B., Plaintiff,  
and  
C. D., Defendant.

Upon hearing this cause at a court holden at —, the — day of —, it is ordered that the defendant do [here insert the terms of the order made by the court].

And it is further ordered, that if the defendant do not obey the terms of the said order, he shall pay to the clerk of the court, at his office in —, on or before the — day of —, the sum of £—, by way of penalty.

Given under the seal of the court this — day of —, 185—.

By the court,

—, Clerk of the Court.

Hours of attendance at the office of the clerk from ten till four o'clock.

#### Order for Execution to issue.

No. of plaint —.

In the County Court of —, holden at —.

Between A. B., Plaintiff,  
and  
C. D., Defendant.

Whereas at a court holden at —, on the — day of —, it was ordered by the said court that [here insert the terms of the order of the court]:

And it was then further ordered, that if the defendant should not obey the terms of such order, he should pay to the clerk of the court, on or before the — day of —, the sum of £—, by way of penalty:

And whereas it appears to the court that the defendant has not obeyed either of the said orders, although demand in that behalf was duly made upon him:

It is therefore ordered that execution issue for the sum of £—.

Given under the seal of the court this — day of —, 185—.

By the court,

—, Clerk of the Court.

Hours of attendance at the office of the clerk from ten till four o'clock.

#### Execution against the Goods.

No. of plaint —.

No. of execution —.

In the County Court of —, holden at —.

Between A. B., Plaintiff,

and

C. D., Defendant.

Whereas at a court holden at —, on the — day of —, it was ordered by the said court that [here insert the terms of the order of the court]:

And it was then further ordered, that if the defendant should not obey the terms of such order, he should pay to the clerk of the court, on or before the — day of —, the sum of £—, by way of penalty:

And whereas the said defendant has not obeyed either of the said orders: these are therefore to require and order you forthwith to make and levy, by distress and sale of the goods and chattels of the defendant, wheresoever they may be found within the district of this court, (excepting the wearing apparel and bedding of the defendant or his family, and the tools and implements of his trade, if any, to the value of 5*l.*), the said sum of £—, and also the costs of this execution, and also to seize and take any money or bank-notes, (whether of the Bank of England or of any other bank), and any cheques, bills of exchange, promissory notes, bonds, specialties, or securities for money of the defendant, which may there be found, or such part or so much thereof as may be sufficient for the satisfying of this execution, and the costs of making and executing the same, and to pay what you shall have levied under this writ to the clerk of the court, and make return of what you have done under this writ immediately upon the execution thereof.

Given under the seal of the court this — day of —.

By the court,

—, (Seal).

Clerk of the Court.

To the high bailiff of the said court,  
and others the bailiffs thereof.

Notice.—The goods and chattels are not to be sold until after the end of five days next following the day on which they may have been taken, unless they be of a perishable nature, or at the request of the said plaintiff.

#### Court Papers.

EQUITY SITTINGS, AFTER MICHAELMAS TERM, 1855.

#### Court of Chancery.

Before the LORD CHANCELLOR, at Lincoln's Inn.

Monday ....	Dec. 3	{ First Seal.—Appeal Motions and Appeals.
Tuesday .....	4	{ Petitions and Appeals.
Wednesday .....	5	{
Thursday .....	6	{ Appeals.
Friday .....	7	{
Saturday .....	8	{
Monday .....	10	{ Second Seal.—Appeal Motions and Appeals.
Tuesday .....	11	{
Wednesday .....	12	{
Thursday .....	13	{ Appeals.
Friday .....	14	{
Saturday .....	15	{
Monday .....	17	{ Third Seal.—Appeal Motions and Appeals.
Tuesday .....	18	{
Wednesday .....	19	{ Appeals.
Thursday .....	20	{

Friday .....	21	Petitions and Appeals.
Saturday .....	22	Fourth Seal.—Appeal Motions and Appeals.

*Before the LORDS JUSTICES, at Lincoln's Inn.*

Monday .... Dec. 3	{	First Seal.—Appeal Motions and Appeals.
Tuesday .....	4	
Wednesday .....	5	Appeals.
Thursday .....	6	
Friday .....	7	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	8	Appeals.
Monday .....	10	Second Seal.—Appeal Motions and Appeals.
Tuesday .....	11	
Wednesday .....	12	Appeals.
Thursday .....	13	
Friday .....	14	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	15	Appeals.
Monday .....	17	Third Seal.—Appeal Motions and Appeals.
Tuesday .....	18	
Wednesday .....	19	Appeals.
Thursday .....	20	
Friday .....	21	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	22	Fourth Seal.—Appeal Motions.

*Notice.*—The days on which the Lords Justices shall be engaged at the Judicial Committee of the Privy Council are excepted.

*Before the Right Hon. the MASTER OF THE ROLLS, at Chancery-lane.*

Monday .... Dec. 3	First Seal.—Motions.
Tuesday .....	4
Wednesday .....	5
Thursday .....	6
Friday .....	7
Saturday .....	8
Monday .....	10
Tuesday .....	11
Wednesday .....	12
Thursday .....	13
Friday .....	14
Saturday .....	15
Monday .....	17
Tuesday .....	18
Wednesday .....	19
Thursday .....	20
Friday .....	21
Saturday .....	22

N. B.—Short Causes, Consent Causes, Unopposed Petitions, and Short Claims, on Saturday the 8th, Saturday the 15th, and Friday the 21st December, at the sitting of the Court.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Lincoln's Inn.*

Monday .... Dec. 3	{	First Seal.—Motions and General Paper.
Tuesday .....	4	
Wednesday .....	5	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	6	
Friday .....	7	Petitions and General Paper.
Saturday .....	8	Short Causes, Short Claims, & Causes.
Monday .....	10	Second Seal.—Motions and General Paper.
Tuesday .....	11	
Wednesday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	13	
Friday .....	14	Petitions and General Paper.
Saturday .....	15	Short Causes, Short Claims, & Causes.

Monday .....	17	{	Third Seal.—Motions and General Paper.
Tuesday .....	18		
Wednesday .....	19	{	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	20		
Friday .....	21	{	Petitions and General Paper.
Saturday .....	22	{	Fourth Seal.—Motions, Short Causes, Short Claims, and Adjourned Summonses.

*Before Vice-Chancellor Sir J. STUART, at Lincoln's Inn.*

Monday .... Dec. 3	First Seal.—Motions.
Tuesday .....	4
Wednesday .....	5
Thursday .....	6
Friday .....	7
Saturday .....	8
Monday .....	10
Tuesday .....	11
Wednesday .....	12
Thursday .....	13
Friday .....	14
Saturday .....	15
Monday .....	17
Tuesday .....	18
Wednesday .....	19
Thursday .....	20
Friday .....	21
Saturday .....	22

*Before Vice-Chancellor Sir W. P. WOOD, at Lincoln's Inn.*

Monday .... Dec. 3	{	First Seal.—Motions and General Paper.
Tuesday .....	4	
Wednesday .....	5	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	6	
Friday .....	7	
Saturday .....	8	Petitions, Short Causes and Claims, and General Paper.
Monday .....	10	Second Seal.—Motions and General Paper.
Tuesday .....	11	
Wednesday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	13	
Friday .....	14	
Saturday .....	15	Petitions, Short Causes and Claims, and General Paper.
Monday .....	17	Third Seal.—Motions and General Paper.
Tuesday .....	18	
Wednesday .....	19	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	20	
Friday .....	21	Petitions, Short Causes and Claims, and General Paper.
Saturday .....	22	Fourth Seal.—Motions.

**EQUITY CAUSE LISTS, AFTER MICHAELMAS TERM, 1855.**

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*Sh.* Short.

**Court of Chancery.**

*Before the LORD CHANCELLOR.*

**APPEALS.**

Att.-Gen. v. Stephens (Part heard)	Bewley v. Hancock, Dec. 7
Horsfield v. Ashton	Wilshire v. Norfolk Railway Co.
Horsfield v. Ashton	

*Before the LORDS JUSTICES.*

## APPEALS.

Hope v. Corporation of Gloucester (Part heard), *S O*  
 Rabbeth v. Foreman, *S O*  
 Field v. Brown (5) (Part hd.) *S O*  
 Collinson v. Lister (2) (Pt. hd.)  
 Cobbett v. Brock  
 Hele v. Bexley (12)  
 Jebb v. Tugwell  
 Nantes v. Terrell  
 Pariente v. Lubbock  
 Maybery v. Brooking  
 Cowlishaw v. Hardy

Hele v. Bexley  
 French v. French  
 Fry v. Noble  
 Parker v. Clark  
 Hele v. Bexley  
 Dresser v. Hoare  
 Frearn v. Dowling  
 Ellis v. Ellis (2)  
 Streatfield v. Streatfield  
 CAUSES.  
 Alston v. Eastern Counties Railway Co.  
 Prothero v. Phelps (Cause, Ap M).

*Before the Right Hon. the MASTER OF THE ROLLS.*

## CAUSES, &amp;c.

Wedderburn v. Wedderburn (5) (E, F D, C)  
 Wedderburn v. Wedderburn (5) (E, F D, C) (Part hd.)  
 Wedderburn v. Wedderburn (5) (E)  
 Samuel v. Ward (M for decree, part heard)  
 Whitworth v. Brogden (2) (E of plaintiff)  
 Whitworth v. Brogden (2) (E of def. J. Brogden)  
 Whitworth v. Brogden (2) (F D, C)  
 Purdue v. Sharp (M for dec.)  
 Tanner v. Heard (M for dec.)  
 Thompson v. Armitage (Cau.)  
 Hartopp v. Hartopp (M for decree)  
 Earl of Craven v. Ure (M for decree)  
 Fenwick v. Kirkpatrick (M for decree)  
 Marryat v. Marryat (M for decree)  
 Marryat v. Marryat (Cause)  
 Att.-Gen. v. Master, &c. of Trinity College, Cambridge (Cause)  
 Payne v. Little (Cause)  
 Palmer v. Mills (Cause)  
 Brown v. Blinksop (Cause, Ptn)  
 Bond v. Bourdillon (M for decree, Ptn)  
 Seaman v. Woods (M for dec.)  
 Hughes v. Naylor (Cause)  
 Westcar v. Westcar (M for decree)  
 Smith v. Caulfield (M for dec.)  
 Malcolm v. Malcolm (Cause)  
 Barron v. Nicholls (Cause)  
 Jones v. Robinson (E)  
 Haxel v. Wright (Cl)  
 Johnson v. Morton (M for decree)  
 Wilson v. Emmet (Cause)  
 Nanney v. Williams (M for decree)  
 Danby v. Hotham (Cause)  
 Musgrove v. Smith (2) (Cause)  
 Banks v. Rooksby (M for dec.)  
 Stevenson v. Long (M for decree)  
 Fryer v. Fryer (2) (M for dec.)  
 Harrison v. Tennant (M for decree)  
 Hill v. Merrett (M for decree)  
 Marlow v. Warwick (2) (Cau.)

Preston v. Webb (M for dec.)  
 Harford v. Criddle (Further consideration)  
 King v. Vials (F D, C)  
 Official Managers of the New-castle, &c. Banking Co. v. Gibbon (Further considera.)  
 In re Mary Gambrell, deceased  
 Goldfinch v. Bartlett (Further consideration, Ptn)  
 Greaves v. Neilson (Cause)  
 Winniett v. Chard (F D, C)  
 Read v. Gooding (Special case)  
 Falkner v. Jeffery (M for dec.)  
 Wrigley v. Sykes (Cause)  
 Middleton v. Unsworth (Cau.)  
 Curzon v. Bromley (3) (F D, C)  
 Robinson v. Anderson (Further consideration)  
 In re Gawne  
 Pedder v. Gelling (Further consideration)  
 Wilkinson v. Crook (Cause)  
 Watson v. Moore (Further consideration)  
 In re John Hodgson { (Further consid., Summs.)  
 Hodgson v. Kay  
 In re Stanhope  
 Good v. Gray (Further consideration)  
 Gardner v. Eyton (F D, C)  
 Heath v. Lewis (2) (Further consideration)  
 Ellis v. Clough (Cause)  
 Tyndall v. Annesley (Cause)  
 Parr v. Brown (Cause)  
 Price v. Loaden (Cause)  
 Matthews v. Miller (5) (F D, C)  
 Blake v. Mowatt (Cause)  
 Higgins v. Green (Cl)  
 Tyndal v. Wilkinson (M for decree)  
 Curlewis v. Earl of Mornington (M for decree)  
 Hanbury v. Tyrell (Cause)  
 Rooth v. Rooth (M for decree)  
 Armstrong v. Buckland (Further consideration)  
 Rooke v. Kensington (M for decree)  
 Attorney-Gen. v. Mason (Further consideration)  
 Smith v. Smith (2) (Cause)  
 Gale v. Gale (M for decree)  
 Stevens v. Field (M for decree)  
 Moore v. Smith (M for dec.)  
 Grigg v. Richards (Cl)

Davies v. Atherton (Cause)  
 Stokes v. Crompton (M for decree)  
 Attorney-Gen. v. Earl Craven (M for decree)  
 Durant v. Jewell (Further consideration)  
 Worthington v. Cann (Cause)  
 Fowler v. Fosbery (M for dec.)  
 Smith v. Walker (Cl)  
 In re Adland { (Further cons. from chambers, Ptn)  
 Briggs v. Wilson  
 Bott v. Smith (M for decree)  
 Richards v. Symes (Cause)  
 Earl of Jersey v. Tennant (Cause)

In re Edwards { (Furth. cons. from chambers, Ptn)  
 Edwards v. Edwards  
 Sanders v. Brooker (M for decree)  
 Richardson v. Richardson (M for decree)  
 Collyer v. Jerram (M for decree) *SA*  
 Gray v. Clarke (Further cons.)  
 Brisley v. Stone (Further consideration)  
 Oakley v. Bisgood (Cl)  
 Earl of Craven v. Ure (M for decree)  
 Hollingworth v. Winch (Further consideration)

Hillarsdon v. Grove (M for decree)  
 Pope v. Mills (M for decree)  
 Arkwright v. Pearson (Cl)  
 Jacobs v. Richards (Cl)  
 Robinson v. Wheelwright (M for decree)  
 Hawtrey v. Hawtrey (Further consideration)  
 Hogarth v. Campbell (Cause)  
 Thomas v. Thomas (M for decree)  
 Ritchie v. Coates (Cause)  
 Cook v. Lancefield (Cause)  
 Kay v. Johnston (M for dec.)  
 Kay v. Smith (M for decree)  
 Lill v. Lill (Cause)  
 Hayward v. Fisher (Cl)  
 Walton v. Rushton (M for decree)  
 Pratt v. Mathew (Special case)  
 Davies v. Brown (F D, C)  
 Ford v. Lord Chesterfield (8) (Further consideration)  
 Meredith v. Barnett (Cause)  
 Allerbury v. Ball (Cause)  
 Woodroffe v. Cottrill (M for decree)  
 Fenton v. Thompson (M for decree)  
 Hair v. Hair (M for decree)  
 In re Mauseley's Estate } Fur-  
 Gregory v. Mauseley } ther  
 Gregory v. Mauseley } con.)  
 Brown v. Clay (Cause) *SA*  
 Collen v. Gardner (Cause).

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

## CAUSES, &amp;c.

Ramsden v. Hirst (M for decree, part heard)  
 Blake v. Honeywood (Cause)  
 Sharpe v. Tappenden (Cause)  
 Halpike v. Rowden (2) (Ca.)  
 Harrison v. Guest (Cause)  
 Landers v. Weston { (Cause)  
 Landers v. Ireland  
 Lord v. Colvin (Cause)  
 Colvin v. Lord (Cause)  
 Jenkyn v. Vaughan (Cause, part heard)  
 Clavering v. Ellison (Cause)  
 Deeks v. Stanhope (4) (Cause)  
 Darby v. Darby (Cause)  
 Thomas v. Jones (M for dec.)  
 French v. Smith (3) (Cause)  
 Edwards v. Martin (M for decree)  
 Holroyd v. Griffiths (Cause)  
 Dimsdale v. Dimsdale (Cause)  
 Knight v. Knight (3) (F D, C)  
 In re Blakely's Estate } (Fur-  
 Blakely v. Blakely } con.)  
 Grazebrook v. Gratrex (Cause)  
 Etches v. Etches (Fur. cons.)  
 Stretton v. Ashmall (Cause)  
 Tarrant v. Stokes (Cl)  
 Cook v. Gregson (2) (Further consideration)  
 Jackson v. Naden (M for dec.)  
 Anstruther v. Roberts (Cause)  
 Davis v. Viscount Combermere (3) (F D, C)  
 Lewes v. Davies (2) (F D, C)  
 Ludlam v. Elliott (Fur. cons.)  
 Hunter v. Holliday (M for decree)  
 Haynes v. Haynes (M for decree)  
 Whiter v. Bunny (Cause)

Clark v. Stevens (Fur. cons.)  
 Garratt v. Lancefield (3) (E, F D, C)  
 Walmaley v. Harrison (M for decree)  
 Ward v. Hide (Further con.)  
 Smith v. Andrews (Cause)  
 Stilwell v. Mellersh  
 In re Mellersh's Estate } (Fur-  
 cons.)  
 Stilwell v. Mellersh  
 Trimmer v. Danby (3) (Further consideration)  
 Hobbs v. Hobbs (Cause)  
 Miller v. Daniel (Cause)  
 Att.-Gen. v. Mayor, &c. of Gloucester (Cause)  
 Benson v. Hardingham (5) (Further consideration)  
 Linford v. Cooke (Fur. cons.)  
 M'Gowan v. Smith (M for decree)  
 Lewes v. Gwynne (2) (F D, C)  
 Brain v. Brain (Further consideration)  
 Hughes v. Wadsworth (F D, C)  
 Pascoe v. Harsant (Cause)  
 Lyddon v. Woolcock (5) (E, F D, C)  
 Field v. Turner (Further consideration)  
 Shore v. Shore (F D, C)  
 Giddins v. Dodd (Cause)  
 Hodgkinson v. Nicholson (Ca.)  
 Jopling v. Dowson (F D, C)  
 Lynch v. Varenne (Cause)  
 Grigg v. Wilkinson (F D, C)  
 Earl of Oxford v. Colville (3) (Cause)  
 Rogers v. Lewis (M for dec.)

Welton v. Cracknell (Further consideration)  
Grace v. Hoffman (Cause, Ptn) *Sh*

Wilson v. Cates (F D, C)  
Moore v. Waller (Cause) *Sh*  
Easthope v. Henderson (Cau.) *Sh*.

*Before Vice-Chancellor Sir J. STUART.*

CAUSES, &c.

Ashby v. Ashby (D)  
Goode v. Hollier (Cause)  
Hassell v. Booth (Cause)  
Hunter v. Nockolds { (Furth.  
Vincent v. Hunter { consid.,  
Ptn)  
Firth v. Jackson (Cl) *S O*  
MacLennan v. Lane (2) (Cau.) *S O*  
Bruce v. Morice (4) (Cause, Further cons., part heard)  
Langdale v. Briggs (Cause, part heard) *S O*  
Griffith v. Edwards (Cause)  
Birchall v. Bradshaw (Cause)  
Wallis v. Bell (Cause)  
Mabzy v. Edge (Cause)  
Russell v. Kellett (2) (F D, C, Ptn)  
Newry and Enniskillen Railway Co. v. Ulster Railway Co. (Cause)  
Wearing v. Ellis (M for dec.)

Sheppard v. Holmes (Further consideration) *Sh*  
Blower v. Blower (M for dec.)  
Oakes v. Winson (Cause)  
Bessant v. Noble (F D, C, part heard)  
Cast v. Poyser (M for decree)  
Hawdon v. Hawdon (F D, C)  
Lewis v. Scott (Cause)  
Burton v. Hardy (Cause)  
Williams v. Williams (F D, C)  
Whitgrave v. Craddock (Ca.)  
Hill v. Parker (2) (F D, C)  
Watson v. Roscoe (Further consideration, M)  
Farquhar v. Addington (Further consideration)  
Govett v. Govett (Further consideration)  
Morgan v. Seabright (Further consideration)  
Chapman v. Lampport (Cause) *Sh*.

*Before Vice-Chancellor Sir W. P. WOOD.*

CAUSES, &c.

Crofts v. Middleton (Cause, part heard)  
Last v. Goldsmith (F D, C)  
Rowley v. Unwin (Cause)  
Buncombe v. Smith (M for decree)  
Simpson v. Morley (M for decree, part heard)  
Armitage v. Walker (Cause)  
Wallgrave v. Tebbs (M for decree)  
Ellerton v. Darby (M for decree, part heard)  
Field v. Bradley (Cl)  
Thomas v. Thomas (Cause)  
Shribley v. Lambert (2) (Cau.)  
Richardson v. Lightfoot (Cau.)  
Murray v. Spicer (Cause)  
Payne v. Evans (Special case)  
Hopkinson v. Bunney (Cause)  
Moody v. Cooper (Cause)  
Snow v. Booth (Cause)  
Lyle v. Truscott (Cause)  
Bowen v. Jones (M for decree)  
Buckley v. Newton (Cause)  
Cogswell v. Armstrong (M for decree)  
Lady Wellesey v. Earl Mornington (Cause)  
Blagrove v. Routh (Cause)  
Fox v. Platt (Special case)  
Atcherley v. Du Moulin (Special case)  
Raworth v. Parker (M for decree)  
Purday v. Purday (Cl)  
Meek v. Hedden (M for dec.)  
Billson v. Scott (Cl)  
Cobden v. Bourne (Cause)  
Selby v. Fremlin (Cause)  
Hopps v. Wood (M for decree)  
Crawford v. North-eastern Railway Co. (M for decree)  
Sparrow v. Barrell (Cause)  
Swan v. Bryan (Cause)

Cattley v. Arnold (Cause)  
Ledward v. Hassells (M for decree)  
Wills v. Lane (Cause)  
Plumbers' Co. v. Corbett (M for decree)  
Roddam v. Morley (M for decree)  
Jones v. Renouf (M for dec.)  
Cochcroft v. Sutcliffe (M for decree)  
Farina v. Silverlock (M for decree)  
Green v. Wauchop (Further consideration)  
Groves v. Wright (Cause)  
Hebblethwaite v. Hebblethwaite (M for decree)  
Vause v. Singleton (Cl)  
Wright v. Metcalfe (M for decree)  
Tee v. Ferris (Further cons.)  
Earle v. Elderton (M for decree)  
Leyson v. Wood (Cause)  
Ridgway v. Kynnersley (M for decree)  
Marsh v. Marsh (3) (Further consideration)  
Jones v. Howell (M for d.)  
Job v. Banister (M for dec.)  
Chappell v. Atkinson (Further consideration)  
Nicholls v. Nicholls (M for decree)  
Selwyn v. Smith (Cause)  
King v. Powell (Cause)  
Suffell v. Thompson (Cause)  
De Pontigny v. De Chatelain (M for decree)  
Goodchap v. Weaving (F D, C)  
Collins v. Cave (Cause)  
Ward v. Cartwright (2) (F D, C)

Blount v. Warwick and Napton Canal Co. (3) (Further consideration)  
Clements v. Nightingale (M for decree)  
Tolmide v. Hoskins (M for decree)  
Morrell v. Morrell (Further consideration)  
Morrell v. Morrell (M for decree)  
Russell v. McCulloch (2) (Further consideration)  
Hick v. Hick (M for decree)  
Jackson v. Jackson (M for decree)  
Holmes v. Godson (Sp. case)  
Symers v. Wilkinson (Cause)  
Bass v. Gow (Cause)  
Leete v. Jenkins (Cl)  
Wood v. Jackson (M for dec.)  
Lord v. Hammond (M for d.)  
Bullock v. Bullock (Cl)  
Matthews v. Windross (Further consideration)  
Newman v. Engineers' Masonic, &c. Life Assurance Society (Cause)  
Wyllie v. Green (M for dec.)  
Deers v. Notley (Cause, Ptn)  
Cook v. Cook (Further consideration)  
Griffith v. Jones (Special case)  
Young v. Freeman (Further consideration)  
Sugden v. Crosland (M for decree)  
Wynn v. Notley (M for dec.)  
Neal v. Harrison (Cause)  
Ashton v. Wood (M for dec.)  
Forbes v. Forbes (Cause)  
Arklay v. Stedall (Cause)  
Draycott v. Wood (2) (Further consideration)  
Ulyet v. Osborn (M for dec.)  
Smith v. House (M for dec.)  
Peed v. Johnson (Cause)  
Martineau v. Rogers (Special case)  
Cave v. Cave (Special case)  
Nightingale v. Clements (Ca.)  
Bryant v. Baker (Cause)  
Taylor v. Baker (Cause)  
Bradley v. Raynar (M for decree)  
Spring v. Haslett (Cause)  
Coleman v. Fraser (Cause)  
Pike v. Bullock (Further consideration)  
Billson v. Owen (F D, C)  
Hare v. Earl of Listowel (Cause)  
Everson v. Mathew (M for decree)  
Sheldrake v. Lock (Further consideration)  
Sykes v. Bloomfield (Further consideration)  
Mould v. Cox (Further con.)  
Pettit v. Jaques (Cause)  
Forman v. Hudson (M for d.)  
James v. Homes (Cause)  
Fisher v. Ward (Further con.)  
Roberts v. Evans (Further consideration)  
Hearn v. Baker (Further con.)  
Lee v. Howlett (Further consideration, Ptn)  
Linfoot v. Smith (Cl)  
Scovell v. Neale (Further consideration)

Head v. Haswell (Cause)  
Badcock v. Thomas (4) (F D, C)  
Lee v. Olding (M for decree)  
Horn v. Kilkenny, &c. Railway Co. (M for decree)  
Roberts v. Cooper (Further consideration)  
Bosley v. Homes (M for dec.)  
Lash v. Miller (M for decree)  
Bennion v. Poyser (M for decree)  
Blinston v. Warburton (Special case)  
Holborow v. Ricketts (M for decree)  
Ellerton v. Darby (M for dec.)  
Davis v. Kirk (Further cons.)  
Watson v. Murray (2) (M for decree)  
Backhouse v. Wyde (2) (M for decree)  
Newton v. Freeman (Cause)  
Fox v. Dakin (M for decree)  
Granger v. Shingby (Cause)  
Buncombe v. Marshall (Cau.)  
Howard v. Kidd (M for dec.)  
Leake v. Cordeaux (Cause)  
Kent v. Potts (Further cons.)  
Official Manager of the Northern Coal-mining Co. v. Walters (Cause)  
Bayley v. Jones (M for dec.)  
Pownall v. Anderson (Sp. ca.)  
Pownall v. Bird (Further consideration) *Sh*  
Lea v. Smith (Cause)  
Cox v. Sutton (Cause)  
Dalton v. Veness (M for dec.)  
Fasana v. Riccucci (M for decree)  
Terson v. Hawkins (F D, C)  
Hutcheson v. Giles (Cause)  
Fisher v. Heath (Cause)  
Young v. Hunter (Cause)  
Saloway v. Strawbridge (M for decree)  
Varty v. Hartley (Cause)  
Puckridge v. Bedford (Further consideration)  
Drew v. Chapman (Cause)  
Horner v. Heath (M for dec.)  
Bond v. Richardson (M for decree)  
Bowles v. Maclean (Cl)  
Wyatt v. Magnay (M for dec.)  
Ayrton v. Heaton (Cause)  
Aubrey v. Brown (Cl)  
Humphreys v. Swainson (M for decree)  
Evans v. Brembridge (M for decree)  
Goswell v. Price (M for dec.)  
Kerr v. Elliott (Cause)  
Lytton v. Great Northern Railway Co. (Cause)  
Green v. Hooper (M for dec.)  
Pearson v. Davis (M for dec.)  
Wharfe v. Selve (Cl)  
Waller v. Holmes (M for dec.)  
Coles v. Courteny (Cause)  
Alderson v. Dalton (Further consideration)  
Bank v. Pratten (Further consideration)  
Hinks v. Ison (Cause)  
Child v. Douglas (Cause)  
Oakley v. Jackson (M for decree)  
Clark v. Carnaby (Cause)  
Burton v. Jennett (M for dec.)



draper.—*Josiah Overbury*, Nind and Monk Mills, Wootton-under-Edge, Gloucestershire, cloth manufacturer.—*Thomas Barclay Armstrong*, Mount-street, Grosvenor-square, and Carpenter-street, Mount-street, fishmonger.—*Thomas George Shaw and Joseph Lane*, Old Broad-street, London, and Town-hall-buildings, Manchester, wine merchants.—*Stephen Edso Sherwood*, Sellinge, near Canterbury, tailor.—*Alexander W. Bell*, Coles-terrace, Barnsbury-road, Middlesex, wine merchant.—*Henry Brown*, Marden, Kent, potter.—*Vincent Snook and John Thomas Snook*, King-street, Hammersmith, linendrapers.—*Thomas Brown*, Great Guildford-street, Southwark, brass founder.—*James Alexander Hughes*, Victoria Park-road, Hackney, builder.—*Henry Paine*, Strand and Charing-cross, and Doddington-lodge, Battersea-fields, tailor.—*Richd. Clark*, King's-cross, draper.—*George Edw. Fordyce*, Astey's-row, Islington, plumber.—*William Trego*, Gunter's-grove, West Brompton, and Moore Park-terrace, King's-road, Fulham, builder.—*Joseph Hayward*, Church-court, Old Jewry, woollen warehouseman.—*Thomas Godfrey*, Forston-treet, Shepherdess-fields, Middlesex, egg merchant.—*Luis Casie*, Cardiff, Glamorganshire, lodging-house keeper.—*Walter James Palmer*, Hotwells, Bristol, cattle dealer.—*Matthew Lichegary Dunsford*, Exeter, outler.—*Thos. Banks*, Bradford, Yorkshire, washing-machine maker.—*Abraham Taylor*, Westgate, Halifax, Yorkshire, coal merchant.—*Joseph Aldridge*, Leeds, Yorkshire, chemist.

## PETITION ANNULLLED.

*Cyprian James Cotterell*, Abingdon, Berkshire, draper.

## PARTNERSHIP DISSOLVED.

*Jonathan Robert Gooding and Brooke Taylor*, Southwold, Suffolk, attorneys and solicitors.

## TUESDAY, Nov. 27.

## BANKRUPTS.

**REBECCA CRONK**, Conduit-street, Regent-street, milliner, Dec. 7 and Jan. 12 at 11, London: Off. Ass. Nicholson; Sol. Davies, 17, Warwick-street.—Pet. f. Nov. 22.

**HENRY PALMER**, Portsmouth, linendraper, Dec. 11 at 2, and Jan. 8 at 12, London: Off. Ass. Edwards; Sols. Low & Son, Portsea; Low, 65, Chancery-lane; Sole & Co., 68, Aldermanbury.—Pet. f. Nov. 23.

**FRANCIS PUTLEY**, Newington-causeway, Newington, watchmaker, Dec. 6 at half-past 2, and Jan. 8 at 1, London: Off. Ass. Lee; Sol. Landor, 25, Eastcheap.—Pet. f. Nov. 26.

**ROBERT WADDAMS STREET**, Weston-super-Mare, Somersetshire, grocer, Dec. 7 and Jan. 8 at 11, Bristol: Off. Ass. Miller; Sols. Bevan & Girling, Bristol.—Pet. f. Nov. 22.

**FREDERICK EVERY**, Exeter and Saint Thomas-the-Apostle, Devonshire, scrivener, Dec. 6 at 11, and Feb. 6 at 1, Exeter: Off. Ass. Hirtzel; Sol. Daw, Exeter.—Pet. f. Nov. 23.

**JOHN DYER**, Devonport, builder, Dec. 17 at 1, Plymouth, and Jan. 14 at 1, East Stonehouse: Off. Ass. Hirtzel; Sols. Beer & Rundle, Devonport.—Pet. f. Nov. 23.

**BENJAMIN SCOTT**, Earlsheaton, near Dewsbury, Yorkshire, blanket manufacturer, Dec. 10 at 1, and Jan. 7 at 12, Leeds: Off. Ass. Hope; Sols. Bond & Barwick, Leeds.—Pet. d. Nov. 23.

**JOHN BAPTIST**, Leeds, woollen-yarn manufacturer, Dec. 13 and Jan. 18 at 11, Leeds: Off. Ass. Young; Sol. Middleton, Leeds.—Pet. d. and f. Nov. 26.

**JOHN VALLANCE BELLAMY**, Sheffield, wine and spirit merchant, Dec. 8 and Jan. 19 at 10, Sheffield: Off. Ass. Brewin; Sol. Fretson, Sheffield.—Pet. d. Nov. 20, and f. Nov. 21.

**FRANCIS SCAIFE**, Sheffield, cutlery manufacturer, Dec. 8 and Jan. 19 at 10, Sheffield: Off. Ass. Brewin; Sol. Marshall, Sheffield.—Pet. d. Nov. 20, and f. Nov. 21.

**ROBERT BURNS**, Liverpool, millwright, Dec. 11 and 31 at 11, Liverpool: Off. Ass. Cazenove; Sol. Smith, Liverpool.—Pet. f. Nov. 23.

**EDWIN TRAVIS**, Luxley Brook Mills, near Oldham, cotton spinner, Dec. 14 and Jan. 4 at 12, Manchester: Off. Ass. Hernaman; Sols. Slater & Helis, Manchester.—Pet. f. Nov. 22.

## MEETINGS.

*Charles W. Woodworth*, Liverpool, licensed victualler, Dec. 7 at 11, Liverpool, pr. d.—*Wm. Miller*, Whitechapel-

road, coffee-house keeper, Dec. 18 at half-past 11, London, last ex.—*Wm. Attwood*, Old Dorset-place, Clapham-road, grocer, Dec. 7 at half-past 12, London, aud. ac.—*Alfred Stanhope Hodges*, Glastonbury, Somersetshire, photographer, Dec. 13 at 11, Bristol, aud. ac.—*Edward Willes Knight*, Bath, dealer in china, Dec. 13 at 11, Bristol, aud. ac.—*Geo. Pyne*, Bristol, cordwainer, Dec. 13 at 11, Bristol, aud. ac.—*John Thornton* the elder and *Joseph Ridgway Thornton*, Godley and Hyde, Cheshire, cotton-waste dealers, Dec. 7 at 12, Manchester, aud. ac.—*Alexander Jackson*, Manchester, clock manufacturer, Dec. 14 at 12, Manchester, aud. ac.; Dec. 21 at 12, div.—*John Richardson*, Manchester, umbrella manufacturer, Dec. 14 at 12, Manchester, aud. ac.—*J. Ffooks*, Sherborne, Dorsetshire, brewer, Dec. 11 at 1, Exeter, aud. ac.; Dec. 20 at 1, div.—*J. Mawer*, Louth, Lincolnshire, butcher, Dec. 12 at 12, Kingston-upon-Hull, aud. ac.—*G. S. Wells*, Halifax, cotton spinner, Dec. 17 at 12, Leeds, aud. ac.—*James Churchyard*, Lothian-terrace, Coldharbour-lane, Brixton, builder, Dec. 18 at 12, London, div.—*Alexander Wm. Bell*, Coles-terrace, Barnsbury-road, wine merchant, Dec. 18 at 11, London, div.—*Robert Wall*, Piccadilly, saddler, Dec. 17 at 1, London, div.—*Henry Prior*, Edwards-place, Hackney-road, and *Henry Atkinson*, Wood-street, London, Manchester warehousemen, Dec. 18 at 12, London, div. sep. est. of *Henry Atkinson*.—*Jonathan Higginson* and *Richard Deane*, Liverpool, merchants, Dec. 21 at 11, Liverpool, div.—*James H. Nuttall*, Liverpool, merchant, Dec. 20 at 11, Liverpool, div.—*Henry Brownell*, Liverpool, merchant, Dec. 20 at 11, Liverpool, div.—*Martin Brown* and *Robert Ingham*, Rawtenstall, Lancashire, power-loom cloth manufacturers, Dec. 18 at 12, Manchester, div. sep. est. of *Martin Brown*; at 1, div. joint est.—*Charles Edmondstone*, Over Darwen, Lancashire, paper manufacturer, Dec. 19 at 12, Manchester, div.—*John Raillon* and *James Pavey*, Manchester and Colne, manufacturers of mousseline de laines, Dec. 19 at 12, Manchester, div. sep. est. of *John Raillon*.—*Wm. French*, Bedlington, Durham, brewer, Dec. 21 at half-past 11, Newcastle-upon-Tyne, div.—*Samuel Moses Loting* and *Noah Samuel Loting*, Newcastle-upon-Tyne and North Shields, merchants, Dec. 20 at half-past 11, Newcastle-upon-Tyne, div. sep. ests.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Henry Wright*, Narrow-street, Limehouse, miller, Dec. 18 at half-past 12, London.—*Daniel Benjamin Herds*, Sidney-square, Mile-end, commission agent, Dec. 19 at half-past 2, London.—*Charles Greenwith*, Strand, and Wellington-street, Strand, fancy soap manufacturer, Dec. 19 at half-past 1, London.—*William Hart*, Old-street, St. Luke's, licensed victualler, Dec. 18 at 1, London.—*Joseph Littleford*, High-street, and Nottingham-mews, High-street, Marylebone, coach-builder, Dec. 16 at 2, London.—*Joseph Gilt*, King-street, Camden-town, licensed victualler, Dec. 18 at half-past 12, London.—*Wm. Casade Bodley*, Exeter, ironfounder, Dec. 20 at 1, Exeter.—*George Atkinson*, Liverpool, grocer, Dec. 18 at 11, Liverpool.—*William Clarke*, Akrincham, Cheshire, joiner, Dec. 18 at 12, Manchester.—*Wm. Earnshaw Cooper* and *Edward Cooper*, Manchester, and Mottram, Cheshire, tallow chandlers, Dec. 19 at 12, Manchester.—*Thomas Allen* and *Thos. Cuthbert Cockson*, Manchester, Italian warehousemen, Dec. 20 at 12, Manchester.—*Richard Hardey*, Kingston-upon-Hull, merchant, Dec. 19 at 12, Kingston-upon-Hull.—*George Thompson*, Knaresborough, Yorkshire, leather seller, Dec. 20 at 11, Leeds.

To be granted, unless an Appeal be duly entered.

*John Wm. P. Graham*, King's-road, Chelsea, insurance broker.—*William Palmer*, Aldgate, draper.—*Robert Ewin*, High-street, Islington, upholsterer.—*John Durrant*, High Holborn, victualler.—*Thomas Bacon*, Colchester, printer.—*Peter Cattell*, Long-acre, coachmaker.—*Daniel Keen*, Millington, Middlesex, brickmaker.—*Meyer Jacobs*, Steward-street, Spitalfields, warehouseman.—*Francis Butler*, Berkley-street, Clerkenwell, and High-street, Islington, baker.—*John Battens*, Tokenhouse-yard, shipowner.—*Thomas Thompson*, Newcastle-upon-Tyne, licensed victualler.—*James Meadows*, Manchester, lime merchant.—*John Steele*, Manchester, manufacturer.—*Samuel Millner Barton*, Manchester, smallware manufacturer.—*John Mawer*, Louth, Lincolnshire, butcher.—*John Henry Moore*, Kingston-upon-Hull, joiner.—*Wm. John Mackenzie*, Clay Cross, Derbyshire, surgeon.

1855.

# LAW UNION FIRE AND LIFE INSURANCE COMPANY.

## FIRST ANNUAL REPORT OF THE DIRECTORS.

THE Directors have much pleasure in submitting to the Shareholders the Balance-sheet of the Company, feeling sure that the results thereby developed will be received with a high degree of satisfaction as regards the past, and warrant the most sanguine expectations for the future. It may, in truth, be said (and the accounts are the best evidence of the fact) that the Law Union already occupies an important position among insurance companies, and the confidence manifested in it by the public as a modern office may be said to be almost unprecedented in the history of similar institutions.

The Law Union was completely registered in April, 1854, and the Shareholders need scarcely to be reminded that some months subsequently to that period were necessarily employed in making preliminary arrangements for the transaction of business; so that, *practically speaking*, the operations of the Company may be considered as limited to twelve months.

The success of the Company is shewn by the simple fact, that its present income exceeds 10,000*l.* per annum.

The new business received from the 1st ultimo to this day is as follows—viz. in the Fire Department, 356 Proposals, insuring 204,095*l.*; and in the Life Department, 61 Proposals, insuring 23,895*l.*; being a considerable increase upon the average of the business during the same period of last year.

Of the One Hundred Thousand Shares, of 10*l.* each, into which the Company's Capital of One Million is divided, nearly Eighty-four Thousand have been allotted, and the first call on every such allotment has been paid.

The Directors have not adopted the usual practice of giving a commission or allowance on the allotment of shares, but, on the contrary, they have issued some of the shares at premiums, which appear in the accounts to the credit of the Company.

The Directors would be overlooking a point of great moment were they not to draw attention to the number, influence, and position of the Proprietary. The Company is supported by more than Five Hundred Shareholders, almost all of whom are members of the Legal Profession, while others are connected with the management of estates, and bring with them considerable business.

In consequence of the prosperous state of the Company's affairs, the Directors, by a resolution unanimously adopted at a monthly meeting, were enabled to recommend that the reimbursement of the preliminary expenses (all of which have been liquidated) should be extended over a term of five years only, in lieu of the more usual period of ten years.

It is well known that many insurance companies have erred in not making a reserve of Shares to secure connexions which the offer of Shares alone could command; the Directors have, therefore, reserved several thousand Shares, which they are willing to allot to Solicitors able to transact business with the Company, in such numbers as may from time to time be thought desirable, at par; but to no other persons, (with the exception of a few to members of the Bar or of the Medical Profession, or to Land Agents), unless at a premium of twenty-five per cent. on the first call, which premium has already in some cases been paid. It may be observed, that, had not this rule been adopted, the reserved Shares would long since have been eagerly taken up by the non-professional public.

The Board has the gratification of adding that a great many of the Shareholders have redeemed the promise made on the allotment of Shares, that they would transact some business with the Company; and with regard to those who have not yet been enabled to do so, the Directors have confidence in their endeavours during the ensuing year.

While on this part of their Report, the Directors may be allowed to make a remark, (which cannot be too often repeated), that if every Shareholder would make up his mind to complete at least one Life and several Fire proposals in the course of each year, the results to the Company would be immense, while the individual exertion to attain that end would be comparatively small. The effect of such a system has already been experienced by several Companies whose

Shares are now at a very large premium; so that, both as regards the value of the Shareholders' capital, and the annual dividends receivable therefrom, the investments in such Companies are of the most safe and advantageous description.

To add to the value of the Shares of the Law Union in a like degree, and in a solid and permanent manner, is, and will continue to be, a principal object of the Directors in the management of the affairs of the Company; while, by availing themselves of all the modern improvements in the principles and conduct of Insurance business, they secure to the insured greater advantages, combined with the prospect of a larger bonus, than many existing companies.

It has been suggested to the Directors that it would be desirable to select a position for the Offices of the Law Union in a more central situation, and nearer to the neighbourhood of the Inns of Court, which subject is under their consideration.

It is right to state, with reference to the preliminary and law expenses of establishing this Company, that the promoters (although they devoted much time to that object) declined to accept any compensation whatever beyond their mere travelling expenses; and that as regards the Solicitor, Mr. Durrant, who co-operated with them in originating the Company, and contributed throughout to its development, it was suggested that no bill of costs should be made out, (which would have come to a very large sum), but that he should receive, in lieu of his professional charges, a fee of 400*l.*, which it is gratifying to us to state that he willingly agreed to, and such payment was, by order of the Board, made to him accordingly.

The Directors, on the suggestion of a large number of Shareholders, unanimously resolved to make a payment in the month of April last, after the rate of 4*l.* per cent. per annum, to the Shareholders, which interest (dating from the time when each Shareholder paid his first call, and calculated up to the 30th of September last) the Directors now recommend should be paid to every Shareholder, including those who have subscribed since the 31st of March, 1855. There will remain, after deducting the amount so paid, a considerable sum to the credit of the Company, solely arising from the interest on the paid-up capital, and irrespective of the profits derived from the business of the Company. The Directors further recommend that a Dividend out of Profits shall be declared when the first call on the reserved Shares (which there is no doubt will quickly be advantageously allotted) shall have been paid, and that until that time only the interest receivable from the investment of the paid-up Capital shall be divided. This arrangement will have the advantage of placing all the Shareholders on the same footing in respect of dividend.

In conclusion, it may be observed, that the success which has attended the operations of the Law Union has been achieved notwithstanding the depressing effect of the present war, and is a strong proof of the power and efficiency of the Proprietary, and of the connexions of the Company.

The Directors who retire according to the Deed of Settlement are as follows, namely—JAMES ALEXANDER DOUGLAS, Esq.; JOHN DABBS, Esq.; JOHN HOWARD, Esq.; R. J. SISSON, Esq.; HENRY MASON, Esq.; CHARLES JOHN WHISHAW, Esq.; JOHN BATTEN, Esq.; J. F. ROBINSON, Esq.; H. E. MARSH, Esq.; JOHN COLE, Esq.; JOHN LAMBERT, Esq.; and H. TREMENEERE JOHNS, Esq. The retiring Auditors are FRANCIS WORSLEY and W. H. GREY, Esqrs.

The above-named Directors, and Mr. Francis Worsley, Auditor, are eligible, and offer themselves for re-election.

WILLIAM FOSTER, Chairman.

Chief Offices, 45, Pall-mall, Nov. 23, 1855.

At the Annual General Meeting of the Proprietors, held at the Company's Chief Offices, the foregoing Report of the Board of Directors having been read, was unanimously adopted, and ordered to be printed in "The Times" newspaper.

# The Jurist

No. 48, NEW SERIES.—Vol. I.  
No. 987, OLD SERIES.—Vol. XIX.

DECEMBER 8, 1855.

PRICE 1s.

## LONDON AND WESTMINSTER BANK

PAID-UP CAPITAL, £1,000,000.

### DIRECTORS.

THE RIGHT HON. THE LORD MAYOR.

HENRY BOSANQUET, Esq.  
HENRY BUCKLE, Esq.  
FREDERICK BURMESTER, Esq.  
JOHN GARRATT CATTLEY, Esq.  
THOMAS CHAPMAN, Esq., F.R.S.  
JAMES DENIS DE VITRE, Esq.  
JOSEPH ESDAILE, Esq.

THOMAS FARNCOMB, Esq., Ald.  
CHARLES GIBBES, Esq.  
WILLIAM HAIGH, Esq.  
GEORGE HANSON, Esq.  
JOHN LEWIS RICARDO, Esq., M.P.  
JOHN STEWART, Esq.  
JOSHUA WALKER, Esq.

GENERAL MANAGER.—JAMES WILLIAM GILBART, F.R.S.

CITY OFFICE	Lothbury	W. T. HENDERSON, Manager.
WESTMINSTER BRANCH	1, St. James's-square	J. W. WELDON, Manager.
BLOOMSBURY BRANCH	214, High Holborn	WILLIAM EWING, Manager.
SOUTHWARK BRANCH	3, Wellington-street, Borough	EDWARD KINGSFORD, Manager.
EASTERN BRANCH	87, High-street, Whitechapel	W. D. ASPERN, Manager.
ST. MARYLEBONE BRANCH	4, Stratford-place, Oxford-street	G. M. MITCHELL, Manager.
TEMPLE BAR BRANCH	217, Strand	CHARLES WARD, Manager.

Current Accounts are received on the same principles as those observed by the London Bankers. No Christmas Boxes or other gratuities are allowed to be taken by the Officers of the Bank. The Bank also takes the Agency of Joint-stock Banks, Private Bankers, and other parties residing at a distance. Cheques on Penny Stamps may be drawn from any place in the United Kingdom.

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London, Nov. 9, 1855.

J. W. GILBART, General Manager.

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**STRAHAN, PAUL, & Co.—ONE HUNDRED POUNDS REWARD.**—To Solicitors and others.—A reward of £100 will be paid by the Assignees to any person who will enable them to RECOVER certain INDENTURES of LEASE and RELEASE, dated the 18th and 19th January, 1804; the release made between Frederick Read Orme Villebois, Esq., Captain in his Majesty's 14th Regiment of Light Dragoons, and Moses Hoper, of Great Marlborough-street, in the county of Middlesex, gentleman, of the first part; James Brown, of Purbrook, in the county of Southampton, Esq., of the second part; and Andrew Strahan, of New-street, Shoe-lane, in the city of London, Esq., of the third part; and which indentures relate to the estate of William Strahan, Esq., at Ashurst, near Dorking, in the county of Surrey.

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14, Old Jewry-chambers, Dec. 4, 1855.

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Form of application for opening accounts, &c. will be supplied, and any further information may be obtained at the Bank or at any of the Branches, viz.—Strand Branch, 429, Strand; Lambeth Branch, 77, Bridge-road; Islington Branch, 97, Goswell-road; Piccadilly Branch, 7, Shaftesbury-terrace, Victoria-street; Borough Branch, 60, Stonewend, Southwark; Piccadilly Branch, 32, Regent-circus.

By order of the Court of Directors,  
HUGH INNES CAMERON, General Manager.

Chief Office, 16, Tokenhouse-yard, Lothbury,  
London, Aug. 4, 1855.

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## GAZETTES.—FRIDAY, Nov. 30.

## BANKRUPTS.

**JOHN DALBY**, Knight's Hill-road, Norwood, carpenter, Dec. 10 at 1, and Jan. 10 at 12, London: Off. Ass. Bell; Sol. Armstrong, 33, Old Jewry.—Pet. f. Nov. 27.

**HENRY THOMAS HORWOOD**, Gifford-street, Caledonian-road, Islington, manufacturer of marble, Dec. 10 at half-past 11, and Jan. 10 at 1, London: Off. Ass. Bell; Sols. Mardon & Prichard, Newgate-street.—Pet. f. Nov. 28.

**JAMES MORRALL**, Upper Russell-street, Bermondsey, leather dresser, Dec. 11 at half-past 11, and Jan. 8 at 12, London: Off. Ass. Stansfeld; Sol. Chidley, Gresham-street, City.—Pet. f. Nov. 27.

**JOHN SIMMONS**, Bucklersbury, bill broker, Dec. 14 at 1, and Jan. 11 at 12, London: Off. Ass. Nicholson; Sols. J. & J. H. Linklater & Co., 17, Sise-lane, London.—Pet. f. Nov. 29.

**JOHN MUSCOTT**, Westonbury, Pembridge, Herefordshire, engineer, Dec. 12 and Jan. 9 at half-past 10, Birmingham: Off. Ass. Whitmore; Sols. Colmore & Beale, Birmingham.—Pet. d. Nov. 28.

**THOMAS PAGETT**, Birmingham, builder, Dec. 15 and Jan. 12 at 11, Birmingham: Off. Ass. Christie; Sols. Hodgson & Allen, Birmingham.—Pet. d. Nov. 22.

**FREDERICK DELACOURT BLYTH**, Birmingham, papier maché manufacturer, Dec. 15 and Jan. 12 at 11, Birmingham: Off. Ass. Whitmore; Sols. Jagger, and E. & H. Wright, Birmingham.—Pet. d. Dec. 22.

**SAMUEL PRIESTLEY**, Accrington, Lancashire, grocer, Dec. 10 and Jan. 14 at 12, Manchester: Off. Ass. Pott; Sols. Ainsworth, Blackburn; Sale & Co., Manchester.—Pet. f. Nov. 27.

**WILLIAM MITCHELL**, **HENRY MITCHELL**, and **JOHN MITCHELL**, Hoarstones, Forest of Pendle, Lancashire, worsted spinners, Dec. 13 and Jan. 11 at 12, Manchester: Off. Ass. Hernaman; Sols. Wavell & Co., Halifax.—Pet. f. Nov. 27.

**SAMUEL MEEK**, Kendal, Westmoreland, innkeeper, Dec. 11 and Jan. 22 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Wilson, Kendal; Hoyle, Newcastle-upon-Tyne.—Pet. f. Nov. 17.

## MEETINGS.

*Charles Dearie*, Frederick's-place, Old Jewry, merchant, Dec. 13 at half-past 11, London, pr. d.—*Hugh Williams* the elder, *John Williams*, and *Hugh Williams* the younger, West Smithfield, tailors, Dec. 15 at half-past 11, London, last ex.—*Benjamin Parker*, Albany-road, Camberwell, builder, Dec. 12 at 12, London, last ex.—*Philip Slatter*, Woodstock and Kidlington, Oxfordshire, innkeeper, Dec. 19 at 3, London, aud. ac.—*Wm. Long*, Oxford-street, lace maker, Dec. 13 at half-past 1, London, aud. ac.—*A. E. Trowes*, Leather-lane, Holborn, coachsmith, Dec. 15 at half-past 12, London, aud. ac.—*E. Gibbs*, Keppel-mews North, Russell-square, jobmaster, Dec. 11 at 11, London, aud. ac.—*George Fox Barnes*, Paul-street, Finsbury, colourman, Dec. 18 at 11, London, aud. ac.—*Absalom Francis*, George-yard, Lombard-street, dealer in mining shares, Dec. 18 at 12, London, aud. ac.—*R. Hayes*, West Cowes, Isle of Wight, postmaster, Dec. 17 at 2, London, aud. ac.—*Charles Edmonstone*, Over Darwen, Lancashire, paper manufacturer, Dec. 11 at 12, Manchester, aud. ac.—*John Raitton* and *James Pavey*, Manchester, manufacturers of mousseline de laines, Dec. 11 at 12, Manchester, aud. ac. sep. est. of *J. Raitton*.—*George Pryde*, *David Jones*, and *John Gibb*, Liverpool, sailmakers, Dec. 10 at 11, Liverpool, aud. ac.—*John Strong* the younger, Birkenhead, Cheshire, steam-boat owner, Dec. 11 at 12, Liverpool, aud. ac.—*Sylvester Lewis Samuel*, Liverpool, watch manufacturer, Dec. 10 at 11, Liverpool, aud. ac.—*James Wilson Jeffries* and *John Meek*, Liverpool, merchants, Dec. 11 at 11, Liverpool, aud. ac.—*Jonathan Higginson* and *Richard Deane*, Liverpool, merchants, Dec. 13 at 11, Liverpool, aud. ac.—*James Hargreaves Nuttall*, Liverpool, merchant, Dec. 13 at 11, Liverpool, aud. ac.—*Henry Brownell*, Liverpool, merchant, Dec. 13 at 11, Liverpool, aud. ac.—*Edward Kegg*, Liverpool and Birkenhead, coal dealer, Dec. 13 at 11, Liverpool, aud. ac.—*Edwin Latham* and *Wilfred Latham*, Liverpool, commission merchants, Dec. 13 at 11, Liverpool, aud. ac.—*John Lambert*, Halifax, Yorkshire, timber dealer, Dec. 13 at 11,

Leeds, aud. ac.—*Samuel Oldfield*, *John Allan*, and *Edward J. S. Couzens*, Huddersfield, woollen-cloth merchants, Dec. 13 at 11, Leeds, aud. ac.—*Thomas Francis Featherstone*, York, linendrapier, Dec. 13 at 11, Leeds, aud. ac.—*Henry Bull* and *John James Harper*, Greenwich, upholsterers, Dec. 21 at 1, London, div.—*Thomas Collinson* and *John Henton Tritton*, Lombard-street, bankers, Dec. 21 at 12, London, div.—*John Buchanan*, Moorgate-street, upholsterer, Dec. 21 at 11, London, div.—*John Dickie* and *David Dickie*, Portsea, Southampton, drapers, Dec. 21 at 12, London, div.—*Robert William Wright*, *Charles Davy*, and *Jacob Dixon*, Devonshire-street, Queen-square, goldsmiths, Dec. 21 at 12, London, div.—*J. Player*, Winchester-buildings, Broad-street, mining agent, Dec. 21 at 11, London, div.—*John Pennycad*, Woolwich, grocer, Dec. 21 at 12, London, div.—*Samuel Hodgson*, Great Marylebone-street, stationer, Dec. 21 at 1, London, div.—*John Eldon*, Church-row, Limehouse, shipowner, Dec. 21 at 2, London, div.—*Robert Wilson*, Friday-street, Cheap-side, merchant, Dec. 21 at 11, London, div.—*Robert Nodes Newton* and *Thomas Godfrey Payne*, New Park-street, Southwark, gas engineers, Dec. 21 at 11, London, div.—*Louis Lichtenstein*, Great St. Helens, London, merchant, Dec. 21 at 1, London, div.—*John Field*, Barnham Westgate, Norfolk, draper, Dec. 21 at 12, London, div.—*A. Dairymple*, Lime-street, merchant, Dec. 22 at 2, London, div.—*George J. Humphreys*, Crown-court, Old Broad-street, underwriter, Dec. 22 at 11, London, div.—*Wm. Scales*, White Hill Paper Mill, near Chester-le-Street, Durham, paper manufacturer, Dec. 21 at half-past 12, Newcastle-upon-Tyne, fin. div.—*George Rennie*, Liverpool, merchant, Dec. 21 at 11, Liverpool, fin. div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Wm. H. G. Mason*, Brighton, printseller, Dec. 21 at half-past 2, London.—*John T. Archer*, Portobello-lane, Notting-hill, Baywater, licensed victualler, Dec. 21 at half-past 1, London.—*John Fairbrother*, Hertford, brewer, Dec. 21 at 2, London.—*Henry W. Brown*, St. Albans, Hertfordshire, innkeeper, Dec. 21 at 11, London.—*J. Minter*, Stock Orchard-crescent, Caledonian-road, Islington, shipowner, Dec. 21 at 1, London.—*Israel Cowan* and *Mark Braham*, High-street, Aldgate, waterproof clothing manufacturers, Dec. 22 at 2, London.—*Elizabeth M. Muller*, Castle-street East, Oxford-street, picture dealer, Dec. 22 at half-past 1, London.—*John Field*, Barnham Westgate, Norfolk, draper, Dec. 21 at 12, London.—*Wm. Fisher*, Stratford-upon-Avon, Warwickshire, grocer, Jan. 7 at half-past 12, Birmingham.—*Wm. E. Cooper* and *David Cooper*, (and not *Edward Cooper*, as before advertised), Manchester, and Mottram, Cheshire, tallowchandlers, Dec. 19 at 12, Manchester.

To be granted, unless an Appeal be duly entered.

*William Smith*, Sheffield, edge-tool manufacturer.—*Aaron Marks*, Sheffield, merchant.—*Joseph Meake*, Sheffield, draper.—*John Burton Rhodes*, Wakefield, shoemaker.—*Samuel Wilkinson*, Bradford, Yorkshire, machine maker.—*Henry Beauvoisin*, Sheffield, file manufacturer.—*William J. Aspin*, Leeds, cloth merchant.—*Wm. Hopkins*, Birmingham, grocer.—*Wm. Orton Goodwin*, Longton, Staffordshire, earthenware dealer.—*John Stevenson*, Barham, Suffolk, innkeeper.—*H. C. Timpson*, Woolwich, surgeon.—*Benjamin Kent*, Norfolk-st., Strand, hotel keeper.—*Lewis H. Meakin* and *John Farrall*, Stoke-upon-Trent, Staffordshire, earthenware manufacturers.

## PARTNERSHIPS DISSOLVED.

*Benjamin Price* and *Thomas Price*, Moorgate-street, attorneys and solicitors.—*Joseph Williamson Westmorland* and *Thomas Taylor*, Wakefield, attorneys and solicitors.—*Charles Hoar*, *Wm. Beale*, and *Edward Hoar*, Maidstone, attorneys and solicitors.

TUESDAY, Dec. 4.

## BANKRUPTS.

**THOMAS ARCHBUTT**, Oakley-square, Chelsea, timber merchant, (formerly carrying on business with Henry Atkinson at Cambridge-st., St. Pancras-road), Dec. 14 at 11, and Jan. 17 at 12, London: Off. Ass. Johnson; Sols. J. & J. H. Linklater & Co., 17, Sise-lane, Bucklersbury.—Pet. f. Nov. 30.

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## THE JURIST.

LONDON, DECEMBER 8, 1855.

THE recent case of *Raby v. Ridehalgh* (reported 1 Jur., N. S., part 1, p. 363, and somewhat more fully 3 Eq. Rep. 901) deserves particular notice. The principle on which it proceeded is equally clear and satisfactory, but at first sight there would seem to be some difficulty in applying that principle to the facts of the case; and as it is one of great importance with regard to the duties of trustees for investment, it may be useful to consider what appear to have been the grounds on which the Court considered that it ought to be so applied. The case is one not unlikely to be the subject of some misapprehension, and to be understood as deciding more than the Court appears to have intended to decide.

The suit was instituted for the purpose of making trustees liable for loss occasioned by improper investments of a trust fund bequeathed to them, upon trust, as to one moiety, for J. S. Raby for life, with remainder to his children; and as to the other moiety, for W. Raby for life, with remainder to his children, without any directions whatever as to investment. The trustees invested on insufficient mortgages, and a considerable loss ensued. The children of J. S. Raby were the plaintiffs. The Master, in answer to an inquiry directed by the decree, after stating what the securities were, and that they were improper investments, proceeded to state that he did not find that any of the

particular investments were made at the instance or request, or with the authority, of either of the tenants for life; but he found that it had been the intention of the trustees to invest in the funds, and that at the instance and request of the tenants for life, who wished to secure as large an income as they could, this intention had been abandoned, and that it was at their instance or request arranged that the monies should be invested on mortgage, so as to secure a higher rate of interest than could have been obtained from an investment in the funds. He further found that Robinson, who was employed by the trustees about the mortgage transactions, was employed by them and acted with the general privity and concurrence of the tenants for life, who knew that mortgages were being taken under his advice, and were in the habit of seeing or communicating with him.

By a decretal order made by Sir J. Stuart, V. C., on subsequent further directions, the trustees were declared liable to make good the loss arising from the deficiency of the securities, and the surviving tenant for life, the estate of the deceased tenant for life, and their respective life interests in the trust estate were declared liable to indemnify the trustees. It was ordered that J. S. Raby, the surviving tenant for life, and the executrix of W. Raby, the deceased tenant for life, should pay to the trustees the sum for which the latter were held liable, accounts of W. Raby's estate being directed in case the executrix should not admit assets. The dividends payable to J. S. Raby were impounded for effecting the recouping. The trustees did not appeal, but

J. S. Raby appealed, contending, that though he had requested the trustees to invest on mortgage, he had in no way sanctioned their investing on insufficient mortgages; that he, therefore, had not been privy to a breach of trust, and was not liable to indemnify the trustees. Sir G. J. Turner, L. J., who delivered the judgment of the Court, declined to decide the general question whether trustees, in the absence of any directions as to the mode of investment, could safely lend on mortgage, but said, that, assuming them to have authority to do so, it was clear that in so doing they were bound to act with a view to the rights and interests of all the cestuis que trust, and that if they made such an investment at the instance and for the benefit of some of them, without regard to the interests of the others, they were liable for any loss that might ensue. He considered, that under the circumstances found by the Master, and stated above, the investment on mortgage was clearly improper, and that the tenants for life, who had persuaded the trustees to make it, had by so doing induced them to commit a breach of trust, and were liable to indemnify them.

It is evident that this decision does not at all turn on the fact of the mortgages being of such a character that the trustees would not under any circumstances have been justified in lending money upon them. It was not established that the tenants for life had concurred in the particular investments, and it must therefore have been held that an improper act was done, independently of the fact that the securities were in themselves bad; nor does the judgment appear to ground itself at all on the concurrence of the tenants for life in taking bad securities. The Court held that the trustees had been guilty of a breach of trust in not exercising an honest discretion as to the mode of investment. Sir J. L. Knight Bruce, L. J., in the course of the argument in *Baud v. Fardell*, (Nov. 13, 1835), said, "The decision in *Raby v. Ridehalgh* turned on this, that the trustees had not exercised their own discretion, but had allowed themselves to be swayed by the intreaties of the tenants for life to adopt a course advantageous to them, but not to the other cestuis que trust;" and it may also clearly be collected from the judgment of Sir G. J. Turner, L. J., in the present case, that this was the ground on which the Court went.

It is not stated in the judgment whether the decision would have been the same if the trustees had been empowered in the ordinary way to invest in government or real securities. It is apprehended, however, that it would. The decision proceeds on the ground that it was proved that the trustees did not exercise a fair discretion; and where this fact is affirmatively established against trustees, it would seem impossible to hold that the existence of an express discretionary power exonerates them from liability. The only legitimate effect of such a power appears to be to exempt trustees from being answerable for the unfortunate consequences of an act done in the honest exercise of their discretion, but which without such power would be so far out of the line of their duty, that honesty of intention would not exonerate them from their liability for its consequences.

If this view be correct, the case is of the more importance, as it becomes applicable to the most ordinary

case, that of trustees clothed with a discretionary power as to investments; and it seems at first sight to involve the consequence, that trustees who invest on mortgage at the request of tenants for life are responsible for any consequential loss, and that the tenants for life are bound to indemnify them.

A rule of this kind would certainly be somewhat alarming. The natural inclination of trustees is to invest in Consols, that being the course which involves least trouble and responsibility; and probably, when there are adult tenants for life, a different mode of investment is seldom resorted to, except at their request. It would be very severe to hold that the complying with such request makes the trustees guilty of a breach of trust, and that the request amounts to a solicitation to commit a breach of trust. It must be observed, that the increase of present income may be a very legitimate motive for preferring one mode of investment to another; for it is in reality a benefit to those entitled in remainder, where, as in *Raby v. Ridehalgh*, they are the infant children of the tenants for life.

It is apprehended, however, that the Court did not intend to lay down a rigid rule of this nature. The decision in *Stretton v. Ashmall* (3 Drew. 9) negatives the existence of such a rule, and it is apprehended that that case may well stand together with *Raby v. Ridehalgh*. The question in all such cases is one of fact, whether an honest discretion has been exercised; and in order to arrive at a sound conclusion on this question all the circumstances must be looked to. The present case was one of grave suspicion as against the tenants for life, the Master's report having only just stopped short of finding them privy to all the particular investments, and having stated circumstances causing a suspicion, approaching as nearly as suspicion can approach to certainty, that if Robinson, who negotiated the investments, had been living, his evidence would have established that they were so privy. In a contest, then, between the tenants for life and the trustees, the Court might reasonably construe the undisputed finding of the Master most strongly as against the tenants for life, and take it as saying, in effect, "The trustees, in the exercise of their discretion, came to the conclusion, that, under the circumstances of the case, an investment in the funds was the fair and proper one; but they allowed themselves to be persuaded by the tenants for life to adopt a course contrary to their own judgment, for the purpose of benefiting the tenants for life." And the Court might reasonably draw the further conclusion, that the tenants for life knew that the trustees were, in compliance with their intreaties, acting against their own deliberate judgment, and without regard to the interests of the infants entitled in remainder.

If this be a correct view of the grounds on which the judgment proceeded, it is evident that the principle of the decision would not apply to a case where a trustee, who had intended to invest in the funds, is induced, by the representations of the tenant for life, to reconsider his determination, and then, in the bona fide exercise of his discretion, comes to the conclusion that an investment on mortgage is more for the benefit of the family. At the same time, this decision is a beacon to trustees, and should serve as a warning against any tendency to deviate from the course of holding an even balance between the interests of the cestuis que trust. It seems clear, that if the mortgages had been perfectly good when taken, and had afterwards become bad through accidental circumstances, for which trustees properly investing on mortgage would not be answerable, the trustees must still have been liable for the loss, on the ground that it was an improper motive that led them to invest on mortgage at all.

The case is also of interest as defining how far the

right of a defaulting trustee to be indemnified by a cestui que trust who has induced him to commit the breach of trust will be enforced in a suit instituted by the other cestuis que trust to have the breach made good. The Vice-Chancellor ordered repayment by J. S. Raby, and the executrix of W. Raby, to the trustees, of the whole loss with which the trustees were charged; but on appeal it was held that this went too far. By the order on appeal the life interest of J. S. Raby was impounded for the purpose of recouping the trustees; but the order against J. S. Raby and the executrix of W. Raby for payment was confined to the amount of the sums received by the tenants for life respectively from the income of the improper investments. No case was cited in which the Court had in such a case made an order for repayment to the trustee by a co-defendant personally; and Sir G. J. Turner, L. J., during the argument, treated the point as novel. Such a decree had, however, been made by the Master of the Rolls in *Hood v. Clapham*, (19 Beav. 90), and though such a course appears to be a departure from the rule against making a decree between co-defendants, it has the recommendation of doing complete justice and preventing multiplicity of suits, and does not appear likely to be attended by any practical inconvenience. The case now under consideration is valuable as giving the sanction of the Court of Appeal to decrees of this nature, and settling the limit beyond which the direction for repayment ought not to extend.

## INNS OF COURT COMMISSION.

### REPORT.

MAY it please your Majesty,—Your Majesty's commissioners commenced their inquiry by ascertaining the revenues applicable to the promotion of the study of the law and jurisprudence.

In the prosecution of this portion of their inquiry, your commissioners desire to state that they have received every assistance from the several treasurers, principals, sub-treasurers, stewards, and other officers of the different inns of court and of Chancery.

With regard to the inns of Chancery, we do not find that there exist any means of rendering their funds available to the promotion of the study of the law. These inns have in some instances become private property, and in others are heavily indebted, whilst in no instance have we been able to trace such an appropriation of the funds as to fix upon the inns a legal liability to contribution to any general professional purpose.

With regard to the four inns of court, namely, the Inner and Middle Temples, Lincoln's-inn, and Gray's-inn, it appears that the property now belonging to the Inner and Middle Temples respectively was formerly held by them under the Earl of Lancaster, the Hospitallers of St. John, and the Crown successively, at a rent—probably fee-farm—of 10*l.* for each society, from the year 1315, (temp. Edward II), to the reign of James I, from whom they afterwards accepted a charter, by which the same property was granted to the two societies at the same rent, which was afterwards purchased by them from the Crown about the year 1673. This charter, reciting "that the inns of the Inner and Middle Temples, London, being two out of those four colleges the most famous of all Europe," were dedicated to the study of the law, further contained the following provision—"which said inns, messuages, &c., for ourselves, our heirs, and successors, we strictly command shall serve for the entertainment and education of the students and professors of the laws aforesaid residing in the same inns for ever."

The earliest muniments of title of Lincoln's-inn and Gray's-inn afford no evidence of any grant from the Crown; and in fact the property of these inns appears

to have been acquired by purchase made by the members of the inn, nor is there a trace of its being held upon any trust.

None of the inns are corporate bodies; they are merely voluntary societies; and a great part of their income is still derived from the contributions of the members.

We conceive that as regards the Temples, a direct trust arises by the acceptance of the grant made by James I; and in justice to the benchers, who form the governing body of each inn of court, we are bound to observe, that there is every disposition on their part to render the funds of the societies available for the purpose of education of the students, whether such trust exist or not.

And we can state with confidence of all the four inns, not only that we have found no trace of the misapplication of these funds to the personal advantage of individual benchers, but, on the contrary, we recognise creditable instances of disinterestedness and public spirit displayed in the relinquishment of considerable fees heretofore payable to benchers holding offices in the inns.

From the accounts supplied and the explanations furnished to us by the treasurers and sub-treasurers of the several inns of court, we have made out a classified comparative statement of the income and expenditure of the four inns of court; and we have subjoined a table of the income and expenditure of each inn for the year 1854, and, having compared it with the average income and expenditure of the last three years, find that, subject to slight alterations, it sufficiently represents such average. The income of the Middle Temple has fallen off to the extent of 247*6l.* 1*9s.* 11*d.* below the average of the last three years; and to obtain a fair average of the income of Gray's-inn, that should be augmented by adding to the amount of 8343*l.* 4*s.* 8*d.* one-seventh of the fines received by that inn every seventh year for the renewal of leases, which, on an average of the last seven years, may be taken to amount to 773*l.*

### INCOME.

Inner Temple, for the year 1854:—Rents, 15,227*l.* 0*s.* 3*d.*; payments from members, 5941*l.* 15*s.* 9*d.*: total, 21,168*l.* 16*s.*

Middle Temple, for the year 1854:—Rent, 5628*l.* 13*s.* 9*d.*; dividends, 1644*l.* 19*s.* 7*d.*; sundries, 44*l.* 3*s.* 11*d.*; payments from members, 2874*l.* 13*s.* 4½*d.*: total, 10,192*l.* 10*s.* 7½*d.*

Lincoln's-inn, for the year 1854:—Rents, 9942*l.* 14*s.* 3*d.*; sundries, 20*l.*; payments from members, 8279*l.* 18*s.*: total, 18,242*l.* 12*s.* 3*d.*

Gray's-inn, for the year 1854:—Rents, 3635*l.* 0*s.* 11*d.*; sundries, 1652*l.* 16*s.* 6*d.*; payments from members, 3055*l.* 7*s.* 3*d.*: total, 8343*l.* 4*s.* 8*d.*

### OUTGOINGS.

Inner Temple, for the year 1854—15,945*l.* 0*s.* 10*d.*

Middle Temple, for the year 1854—10,191*l.* 13*s.* 9*d.*

Lincoln's-inn, for the year 1854—14,345*l.* 8*s.* 2*d.*

Gray's-inn, for the year 1854—8717*l.* 9*s.* 3*d.*

The apparently large amounts of rents received by Lincoln's-inn and the Inner Temple, and of rents and dividends received by the Middle Temple, might lead to the formation of an exaggerated estimate of the resources derivable from the property of these bodies. The necessary outgoings, however, incidental to property of this peculiar character are very large, and leave but a limited net income to the inns of court. In the case of Lincoln's-inn, although the rents and incidental receipts from their property have for the last year (1854) amounted to the sum of 18,242*l.* 12*s.* 3*d.*, yet it must be borne in mind that the inn is incumbered with a debt amounting at present to 40,000*l.*, incurred in respect of erecting a new hall and library. If we deduct also the expenditure for repairs, insurance, rates,



taxes, watching, lighting, the hall, the salaries of the establishment, (exclusive of the chapel and library), and the interest of the debt, the remainder of the income of their property only amounted to 4548*l.* 19*s.* 5*d.*, whilst the expenses of the chapel and library amounted to 651*l.* 15*s.* 4*d.* This inn provides courts for the Lord Chancellor and the three Vice-Chancellors gratuitously, and a court for the Lords Justices at a small rent. The sittings of these courts at Lincoln's-inn, no doubt, adds considerably to the value of the property there.

In like manner, in the case of the Middle Temple, although the rents and dividends, &c. amounted to 10,192*l.* 10*s.* 7*d.*, yet the outgoings for repairs, insurance, rates, taxes, &c., and establishment, came to 8932*l.* 6*s.*, leaving a remainder of 1259*l.* 2*s.* 9*d.*, which is expended on the chapel and library. Moreover, a very heavy demand will shortly arise in consequence of the great age and consequent dilapidation of many portions of their buildings.

The Inner Temple is less unfavourably circumstanced. The large rental of 15,227*l.* 0*s.* 3*d.*, with the payments from members, amounting to 5941*l.* 15*s.* 9*d.*, after deducting for repairs, and for rates, taxes, watching, lighting, establishment, and for annuities chargeable on the property, leaves still a surplus of 6934*l.* 3*s.* 5*d.*, and the chapel and library expenses do not amount to 1800*l.*; nevertheless the repairs are annually very heavy; the society has only recently paid off a large building debt, and ere long a considerable outlay will be again required for rebuilding part of the property.

The property of Gray's-inn is far less than that of the other inns of court; and it is not probable that any considerable amount of surplus income can be derived from that source beyond their present contribution to the funds provided for the readers, as after mentioned in our report.

It is impossible not to feel some disappointment that such a large amount of gross revenue as arises from the other three inns of court should leave so small an available net revenue; and, having regard to the great value of the site of these institutions, a doubt arises whether some mode might not be devised of rendering their property more productive, without departing from the purposes for which these societies were formed.

We may observe that the chambers in some instances are held by private individuals for life, with a power of assigning them to other parties on payment of a small fine to the inn.

It might be possible also to aid the revenues of the Inner and Middle Temples and Gray's-inn by a prospective modification of the arrangement under which the benchers pay a very large fee upon admission, and acquire in turn a life interest in a set of chambers. This regulation, by which a certain number of chambers is appropriated to the use of benchers, is of a very ancient date, and there is no record of the precise origin of the practice; yet it appears that the number of chambers now appropriated in that manner is the same as in the reign of Elizabeth; nor does the number appear ever to have been increased; but it acts unequally on benchers of different ages, some of whom never arrive at this advantage. It is, perhaps, not clear that any serious loss has arisen from the difference between the rents of the chambers and the income derived from the payment of fees on admission; and even if such were the case, it might not be regarded as an unreasonable privilege to be awarded to those who have long contributed by annual payments to the support of the inn. But, on the whole, we do not conceive that the arrangement is satisfactory, the advantage, if any, to any particular bencher being a matter of chance.

The other source of the income of the inns of court is the fees payable by their respective members.

The annual and special payments demanded from the members of the respective inns differ materially in

nature and amount, but, after deducting the stamp duties, they cannot be regarded as seriously burthensome on the student, except where his means are very limited.

For convenience we subjoin here a comparative statement of the principal fees:—

Students' fees, admission.—Inner Temple, 10*l.* 5*s.* 2*d.*; Middle Temple, 7*l.* 10*s.* (2*l.* 10*s.* library); Lincoln's Inn, 5*l.* 2*s.* 10*d.*; Gray's-inn, 8*l.* 6*s.* 3*d.*

Periodical payment by students keeping terms.—Inner Temple, 4*l.* 5*s.* for dinners for four terms, and the student is entitled to dine six days per term; 16*s.* 4*d.* pensions and preacher's duties, charged to those who do not dine. Middle Temple, 4*l.* 4*s.* per annum; 1*l.* for ditto. Lincoln's-inn, commons, 5*l.* 16*s.* per annum; chapel, 15*s.* 4*d.* per annum; gowns, 6*s.* per annum. Gray's-inn, 16*l.* 16*s.* for twelve terms; 3*l.* preacher's roll; 3*l.* 12*s.* 6*d.* exercises.

Call to the Bar, exclusive of stamp.—Inner Temple, 32*l.* 0*s.* 6*d.*; Middle Temple, 37*l.* 10*s.*; Lincoln's-inn, 21*l.* 4*s.* 6*d.*; Gray's-inn, 21*l.* 16*s.* 4*d.*

Call to the Bench.—Inner Temple, 210*l.*, or 315*l.* if silk gown; Middle Temple, 250*l.*, or 331*l.* if silk; Lincoln's-inn, 20*l.* 0*s.*; Gray's-inn, 150*l.*

Annual payment by barristers.—Inner Temple, 19*s.* 8*d.*; Middle Temple, 1*l.*; Lincoln's-inn, 3*l.* 15*s.* 10*d.*; Gray's-inn, 1*l.* 3*s.* 4*d.*

The funds thus collected from the members of the inns of court, and the net income arising from their property, are expended mainly on five objects, namely, the establishment, the chapel, the library, the hall, and the dinners therein; the contribution to educational purposes, superintended by the Council of Legal Education, more fully referred to in the subsequent part of our report.

We have already adverted to the expenditure on the chapel and library. That incurred in respect of the former may possibly admit of revision and reduction.

The expenditure on the hall dinners, &c. appears to call for further observation.

We believe that considerable advantage might be made to accrue to the Profession generally, and especially the students, from their dining together not unfrequently in hall. It has become all the more important to provide opportunities for this social intercourse, since, owing to a change in the habits of the times, the members of the inns of court have to a great degree ceased to reside in their precincts or vicinity. The barristers also of the common law and equity courts no longer meet at Westminster Hall.

The existing arrangements for keeping terms, by dining in hall a certain number of times in each term, and the payment by the members of the inns of court of a fixed sum for a definite number of dinners, whether they partake of them or not, creates to some extent an obligation and inducement to dine in hall.

The result we have before us, shewing the number of students, barristers, and benchers who have dined in the several halls in 1854.

Inner Temple, 1854.—Benchers, 854; barristers, 1783; students, 3150: total, 5685. Middle Temple, 1854.—Benchers, 93; barristers, 372; students, 365: total, 820. Lincoln's-inn, 1854.—Benchers, 824; barristers, 5227; students, 7797: total, 13,848. Gray's-inn, 1854.—Benchers, 712; barristers, 1168; students, 1325: total, 3205.

The expenses incidental to the halls and dinners, including the establishment requisite, and the expenses of the Parliament chamber for the year 1854, were—for Inner Temple, 4248*l.* 0*s.* 2*d.*; for Middle Temple, 3310*l.* 6*s.* 11*d.*; for Lincoln's-inn, 5303*l.* 18*s.* 9*d.*; for Gray's-inn, 1925*l.* 19*s.* 3*d.*

We think it right to draw attention to the total number of students dining in the several halls, under the present system, and to the expenditure above stated

on the halls, kitchens, and Parliament chambers, and likewise to the great difference which exists between the numbers who dine at the several inns as compared with the expenditure on these objects; but we feel assured that when these statements come under the consideration of the governing bodies of the inns, they will make any modifications of the existing arrangements which may be calculated to render them more efficient towards the end in view—that is to say, promoting the association of the students; and that, subject to this, any savings will be applied towards the purposes of education. The benchers of Lincoln's-inn some years ago revised and considerably reduced this head of expenditure. Indeed, this subject appears to have engaged the attention of the benchers of the Inner Temple before the appointment of the present commission, and considerable reductions in this branch of their expenditure seem to have been resolved upon already.

The actual surplus of income and expenditure of Lincoln's-inn and the Temples for the year 1854 is as follows:—Inner Temple, 1854, 5223*l.* 1*s.* 2*d.*; Middle Temple, 1854, 1*l.* 1*s.* 10*d.*; Lincoln's-inn, 1854, 3697*l.* 4*s.* 1*d.*; Gray's-inn, in 1854, the expenditure exceeded the income by the sum of 374*l.* 4*s.* 7*d.*

With respect to Lincoln's-inn, that surplus is applied in the first instance to payment of annual instalments of 1500*l.* of their debt, and will continually increase until that debt is paid off. Moreover, the falling in of the leases of Stone-buildings, which will eventually take place, will be an important addition to the revenues of that society. On the other hand, the condition of the old buildings indicates the probability and the necessity of a considerable outlay becoming necessary for repairs from time to time, which may occasionally exceed the amount above stated for last year.

Upon the whole, we are under no apprehension as to any serious falling off in the surplus incomes of Lincoln's-inn and the Inner Temple.

With respect to the Middle Temple, we have already adverted to the possibility of large outgoings being necessary for repairing the older buildings of that inn; and there is, therefore, little probability of a surplus arising in respect of the annual resources of that society.

As regards Gray's-inn, we do not think it probable that any considerable surplus income can be anticipated.

We deem it unnecessary to pursue this subject further; for if, in consequence of any falling off in the income of the inns of court, they should find themselves unable to contribute to legal education more than their present limited contributions, the requisite resources for carrying into effect the plan of education suggested in the subsequent part of our report might be obtained by a moderate additional fee on the students, which, as directly applicable to the promotion of their education, could not be objected to.

With reference to the mode in which the study of the law can be best promoted, your commissioners have directed their attention—

Firstly, to the present method of conducting legal education in this country;

Secondly, to the systems of legal education pursued in Scotland, in the principal States of Europe, and in the United States of America;

Thirdly, to the improvements which may be made in our own system.

Upon these several points we have examined witnesses, and we will briefly state the result of the evidence before submitting our own suggestions as to the course to be pursued for the future.

1. All that is at present required of a person wishing to become a student of the law in England, with the view of being ultimately called to the bar, is, that he become a member of one of the four inns of court, which is effected by making a formal application for that pur-

pose, merely stating to the authorities of such inn who and what he is, with a certificate of his respectability, signed by two barristers, attached to it; that he keep twelve terms, by dining a certain number of times in the hall; and that he attend during one year the lectures of two of the readers appointed by the Council of Legal Education, or, at his option, submit to a public examination, which is compulsory only upon those who do not attend the lectures. The details of these arrangements we have given in a subsequent part of our report.

2. In Scotland, by the existing regulations, three qualifications are at present indispensable to the admission of "intrañts," or students, into the faculty of law. It is required of every candidate that he give evidence of general scholarship; that he pass two examinations upon the civil and the Scotch laws; and, lastly, that he prepare a Latin thesis upon a title of the Pandects. This system, however, being deemed insufficient, the Faculty of Advocates at Edinburgh have lately made a report upon the subject, recommending a much more strict and comprehensive course of legal study, with examinations both in general knowledge and in law.

In France the student must first obtain the diploma of "Bachelier-ès-Lettres" at certain public schools, and then he presents himself at the Ecole de Droit, is inscribed as a pupil, and follows the courses of different professors for three years, attending lectures on the Roman law, on the Code Napoléon, on the study of law generally, on criminal legislation, on civil and criminal procedure, on criminal law and penal legislation, on administrative law, on the rights of nations, and on the history of Roman and of French law, with conferences on the Pandects. He has further to write theses on the civil law, the Roman law, criminal and commercial law; and having passed all the examinations on these several subjects, at the end of the third year he receives the diploma of "Licencié en Droit," and is entitled to be sworn before the court, and thereupon he becomes an *avocat*.

A fourth year's continuance, however, at the Ecole de Droit, attendance at lectures, submission to examinations, and the composition of a thesis, are requisite to obtain the degree of doctor of laws, which is necessary for those who are desirous of becoming professors in the faculties.

Throughout Germany every appointment in the law, from that of notary public to the judicial bench, is in the hands of the Government, under the patronage of the Minister of Public Justice; and the training necessary to qualify the candidates for such offices is strictly the subject of Government regulation.

That training begins at some gymnasium or state school, where the youth intended for the law are instructed in classical and general literature; and here they acquire all the knowledge of these branches of education they are ever likely to obtain.

From the gymnasium or high school the young student of law is transferred to some university by certificate of competent attainment in those preliminary studies. At the university his preparation for the profession of the law may be properly said to begin. These studies consume three years of his time, and comprise attendance upon lectures on general law, (*Encyclopædia of Law*), the Institutes of Justinian, the Pandects, the common law of Germany, feudal law, history of law, and criminal law.

At the close of his university career he presents himself to the judges of some one of the courts of law, bringing with him testimonials of due attendance upon lectures and good moral conduct, and applies for examination as an *auscultator*, or hearer of law. If upon such examination his attainments in the subjects of university study prove sufficient, he is admitted, as *auscultator*, to the practical study of the law under the

judges of the court. In this capacity he takes notes, makes abstracts of proceedings, draws up reports, and acts in many respects as clerk or assistant to the judges.

After spending two years, or even more, in this capacity, but without official function or pay, he applies to be examined for his advancement to the higher preparatory station, namely, that of referendarius. If found competent, he enters upon a more direct participation in the business of the court, though as yet under the strict superintendence of the judges, and still without recognised function or pay. At this stage, however, he is competent to take upon him the duties of a notary or advocate; but if he aspires to the judicial dignity he has to undergo a third and last examination of a much more general and searching nature, touching upon all the subjects of previous study, and testing his power of applying them in practice. If he succeed in satisfying the examiners—no easy task—he is named assessor to some court of the first instance, yet still without pay or emolument, until the Minister of Justice shall find an opportunity of transferring him to the bench.

All these studies usually occupy seven or eight years of the student's life; and it is not till he has passed through these successive trials, and is fortunate enough to find a vacant place at the bar or on the bench, that he enters upon the profitable exercise of the profession.

In the kingdom of the Two Sicilies, any one intended for the profession of the law, after passing his examination in belles-lettres, must undergo a course of examinations before a board of the professors of law in one of the universities of the kingdom. These examinations are in the following subjects:—1. *Jus nature* and gentium; 2. Civil law; 3. Neapolitan civil law; 4. Neapolitan criminal law; 5. Commercial law.

The examination in canon law is optional.

The student, having passed these several examinations in a satisfactory manner, obtains a diploma called the *Laurea*, which enables him to practice in all the courts of the kingdom. This preparatory course takes from four to five years.

In the United States of America, where seemingly the greatest latitude exists as to admission to the bar, though generally speaking no attendance at schools, colleges, or lectures, nor any particular course of study, is absolutely required, yet an examination as to professional knowledge must be submitted to before a person is allowed to practise.

3. With reference to improvements in the study of the law in this country, your Majesty's commissioners have specially directed their attention to two questions—first, whether or not an examination should be required previous to admission as a student at an inn of court; and, secondly, whether there should be an examination before the call to the bar.

We caused questions, calculated to elicit the opinion of the Profession upon this subject, to be largely circulated. Copies of such questions were sent to all her Majesty's judges in England, of the courts both of law and equity, and to other distinguished members of the Profession; and the answers received will be found in the appendix.

We have also examined all the present readers—Mr. J. G. Phillimore, Q.C., M.P., Dr. Maine, Mr. Reginald Walpole, Mr. Herbert Broom, and Mr. William Lloyd Birkbeck; and these gentlemen, though differing as to the propriety of imposing an examination upon the candidates for admission to the inns of court, are unanimous in recommending the imposition of a compulsory examination previous to the call to the bar.

We have further examined numerous other gentlemen of eminence, both barristers and solicitors, and have found among them considerable difference of opinion upon this question. With reference to the first of these proposed examinations, several of the

readers and other witnesses have expressed an opinion that every student of law ought to have received a liberal education. They therefore consider an examination of the candidate before he is admitted to be a member of an inn of court, with a view to insure his possessing that amount of classical knowledge which such an education would naturally confer, would be fit and advantageous; and this, they think, would not deter any from applying for admission, except those who have not been so educated.

Your commissioners beg further to state, that a few years since, at the Inner Temple, submission to such a preliminary examination was required, and is stated to have been found most beneficial.

Others of the readers and witnesses, however, deny the necessity, and doubt even the utility, of any examination preparatory to admission as a student; and one gentleman thinks its adoption would have the effect of discouraging men who might afterwards become learned and useful members of the bar.

One of the witnesses also, though very doubtful upon this subject, thinks it would be a serious drawback to those who propose to enter as students; and one of the readers is of opinion that such examination should at all events be dispensed with in the case of those who have obtained degrees at universities.

Your commissioners would here add, that with regard to the education of the articulated clerks—young men preparing themselves for the professions of solicitors and attorneys-at-law—the gentlemen who have been questioned on this subject are uniformly of opinion that they should be obliged to undergo an examination as to capability, fitness, and general knowledge, before being apprenticed or articulated.

As regards a compulsory examination previous to the call to the bar, your commissioners have also found considerable diversity of opinion.

The present readers, as before mentioned, are all decidedly in favour of it. They, and other gentlemen who advocate this, consider the want of it to be the chief defect of the present system; that it is the best security for industry; that the full benefit of the lectures will not be derived by any student unless he knows that he is also to undergo an examination upon the subject of them; and that it would secure, at all events, his having the necessary information before he is called.

It is suggested, however, that this examination should not be severe; and it is thought, that if properly regulated, it would not repel any great number from coming to the bar.

All the readers further agree in recommending a separate examination for honours previous to admission to the bar.

Several others of the witnesses, nevertheless, doubt the expediency of any examination for the call to the bar, conceiving that it would lead to the acquisition of only a very limited and superficial knowledge, and would be of no practical use; and that while it might discourage men of retired or reserved habits, who, though they might not prove active men in court, might make valuable chamber counsel, it would also deter country gentlemen and others, who wished to be called to the bar with a view merely to acquire such a status and so much professional knowledge as would be useful to them as magistrates, politicians, legislators, and statesmen; and this effect, in the opinion of these witnesses, would be a serious evil.

Some also of those gentlemen who approve of an examination as to legal knowledge previous to the call to the bar are adverse to that suggested for honours. It is to be observed, that an examination for honours must, ex necessitate, be voluntary, as distinguished from that required merely to entitle to a certificate.

We have carefully weighed and deliberated upon the evidence that has been thus brought before us, and

before we state the conclusions at which we have arrived, will briefly state our views as to the objects to be had in view in providing for the professional education of law students of the inns of court.

Two considerations naturally offer themselves:—

First, the duty which the several societies, to whom the power of calling students to the bar has been confided, owe to the student.

Secondly, the duty which they owe to the community whilst conferring on certain selected individuals a peculiar position and attendant privileges.

1. As regards the student, he is compelled to have recourse to the society before he can practise at the bar. He is required to make payments which, though considerable in amount as regards the wealthier classes, are nevertheless onerous to others who are less favoured. He is compelled to remain a definite number of years without liberty to practise, and during those years is not permitted to carry on the business of a solicitor, or any business of a like character. He is clearly, therefore, entitled to require from the society some advantage in return for such payments, and for his submission to such restrictions, independently of his ultimate call. If we recur to the earlier history of the inns of court, it will be evident that during the period of his studentship he was assisted in his studies by readers in different branches of the law, by taking part in moots or exercises, in which practical dexterity in argument might be acquired; in addition to attendance at the chambers of a practitioner. This latter part of a student's education was provided at his own expense; the readings and exercises were provided by the inn. The student has always contributed to the library, and to that he has been allowed access, under certain regulations.

In 1833 the Inner Temple instituted two lectureships. Although the lecturers were eminent men, the attendance became so small that after two years they ceased, until 1847, when the Inner Temple established a lectureship on common law, whilst at the Middle Temple lectures were delivered upon jurisprudence and the civil law. The attendance of members was not numerous at either inn, although at the Inner Temple examinations were held, at which prizes were given by the society. These lectureships continued until the year 1851, when the present system was established. In the year 1847 the Society of Gray's-inn established, with very beneficial results, a course of lectures, followed by voluntary examinations, in which the students were classed; and the lecturer (in one department) also presided over discussions similar to the moots. In the year 1851 the present Solicitor-General caused a general meeting to be convened of the benchers of the four inns of court, with a view to provide for the better instruction of the students; and the result was, the establishment of a Council of Legal Education, consisting of eight members, two being selected by the benchers respectively of each of the four inns of court, and holding their offices for two years; and the passing of definite regulations for providing readers, who should give lectures and hold private classes for the better instruction of the students. The readers, under the direction of the Council, at stated intervals, conduct a voluntary examination of the students, the attendance at the lectures being compulsory, unless in the case of those who submit to such voluntary examination. Public examinations are held three times a year, and studentships of fifty guineas a year have been founded by the inns of court, to be held for three years by the student on each occasion passing the best examination; and certain other advantages are offered to those who distinguish themselves in such examination. We shall hereafter speak more fully of this system, which is all that is at present provided by the inns of court for the benefit of the students.

2. As regards the duty which the inns of court owe

to the community whilst conferring on individuals the right of practising at the bar, it will be proper to call attention to the privileges incident to the status of a barrister. He alone is allowed to plead for others in the superior courts of Westminster, and he is not responsible to his clients for negligence or otherwise. He alone is eligible for numerous appointments of considerable emolument and responsibility in this country, including not only the higher judicial appointments, but also the offices of recorder, judge of a county court, or commissioner of bankruptcy, or revising barrister. The police magistrates of the metropolis are also selected from the bar. In the colonies the judicial appointments open to barristers only are also numerous.

The inns of court being intrusted with the exclusive right of conferring or withholding a position to which such privileges as we have enumerated are incident, the community is surely entitled to require some guarantee—first, for the personal character, and next for the professional qualifications, of the individuals called to the bar. The only security at present possessed by those who employ a barrister as counsel consists in this, that any defect in the advocate may lead to the loss of practice. But there is not even such security against the appointment of an unfit person to any of the judicial offices to which we have referred.

As regards the moral character of the barrister, considerable attention appears at all times to have been directed by the societies to the exclusion of persons, against whom any grave delinquency can be alleged, from admission to the society in the first instance, or to the bar, if it be discovered at a later stage. Further than this, the societies possess, and have on recent occasions exercised, the power of "dis-barring," or visiting with other severe penalties, after due inquiry, any person who has properly deserved reprobation; their decision in this respect being subject to an appeal to the judges. We are of opinion that these precautions have been generally sufficient to prevent any injurious effects to the community with respect to moral impropriety or misconduct in barristers.

It may be well worthy of consideration, however, whether greater powers should not be given to the inns for conducting their inquiries when proceeding to determine judicially as to the admission of students to the bar, or the dis-barring of a barrister. Great hardship may arise to the party whose conduct is in question, for want of any power to compel the attendance of witnesses and production of documents.

But as regards intellectual qualifications and the professional knowledge of a barrister, we are of opinion that there is not such security as the community is entitled to require. The Government, who appoint barristers to the various judicial posts at home and in the colonies, have no available means of testing the capacity or information of the person to be appointed, beyond general reputation, or recommendation of members of the Profession. With regard to the colonies especially, there is frequently considerable difficulty in procuring fit persons for the appointments. Men who have successfully distinguished themselves in England are often unwilling to accept appointments in a colony, and the selection as judge or Crown officer is sometimes necessarily made either from young untried men, or, what is worse, from men who have been tried and have failed. It appears to us a matter of great importance that none should be appointed to act as judges whose capacity and acquirements are likely to prove inferior to those of the counsel or attorneys who may practise before them; and it is no less important to the public interests that the Crown officers should be men of known ability, and fully competent to advise the colonial government in difficult questions.

Until the recent appointment of the Council of Legal

Education there was no preliminary test whatever of the intellectual capacity or attainments of a barrister; any person (provided he were not guilty of impropriety of conduct, and complied with some special provisions) might, by simply making certain payments, and dining a certain number of terms in the hall of one of the four inns of court, become a barrister. The Inner Temple alone, for a short period, had required a preliminary classical examination before a student was admitted to the inn. This system was considered by the inn to be highly beneficial, but was discontinued after a few years, by reason of the same course not having been adopted by the other societies. At present the system pursued is as follows:—

There is no preliminary examination for the admission of students. The four inns of court have provided five readers, who receive a salary of three hundred guineas each. Each inn pays the salary of one reader, and contributes to the expenses of the fifth or remaining reader. The students pay a fee of five guineas on admission to an inn, which entitles them to attend the lectures of all the readers. These readers deliver lectures in constitutional law and legal history, civil law and jurisprudence, common law, equity, and the law of real property, and hold also evening classes for those who are willing to attend them. The students pay an additional fee, not exceeding three guineas in the whole, for being admitted to these classes.

No student can be called to the bar unless he have attended during one whole year the lectures of two readers at least, or have submitted himself to public examination; but here all effort to enforce the acquirement of information ceases. In order, however, to encourage a course of study, a voluntary examination has been instituted, which takes place three times a year; and a studentship of fifty guineas a year, to be held for three years, has been founded by the inns of court, which is conferred on the most distinguished student at each examination. Three other students may be selected by the Council of Legal Education as having passed the next best examination, and to these a certificate is given, which exempts them from keeping two terms prior to their call. Certificates of having satisfactorily passed the examination are also conferred on such other students as the Council consider entitled to receive them; and persons desirous of being relieved from attendance at lectures have the option of passing this voluntary examination as an alternative.

It will be obvious that no test whatever of the acquirements of those who are to be called to the bar has been provided by this system, except in the case of those who voluntarily submit themselves to examination, and who are probably those with regard to whom a test is least required. The attendance on lectures affords the opportunity of acquiring information, but not a test of its acquisition. Further than this, we may remark, that the voluntary examination is confined to the subjects on which the readers deliver lectures; and although no student thoroughly destitute of learning could successfully pass the examination, yet it appears by the evidence that candidates, who have been on the whole sufficiently well informed in purely professional matters to pass the examination, have yet displayed gross ignorance in a subject so nearly connected with it as the legal history of their country.

We have hitherto considered the question of the education of a barrister on general principles, and on those grounds alone have come to the conclusion that there ought to be a test both of the general and the professional knowledge of every candidate for the bar.

But we are fortified in this conclusion when we look to the course adopted by the other learned professions, as well as in the subordinate branch of the law.

The clergyman, the physician, the surgeon, the apothecary, as well as the attorney or solicitor, are all re-

quired to pass an examination before they are permitted to practise. In the navy and army a like examination of officers is required before they are entitled to their first commission, and also before a lieutenancy in the one or a captaincy in the other is attained. In every other country in Europe an educational test is applied to advocates, either by requiring a degree in law at a university, or else by a distinct professional examination. In Scotland the Faculty of Advocates have so recently as in the last year required a test both of general and professional knowledge.

In arriving at this conclusion with respect to the necessity of a test we desire to be understood as not disparaging or undervaluing the present system of practical study in a barrister's chambers, which must be admitted to be very efficient in fitting the student for the active duties of his profession; it affords, however, no facilities for the study of the scientific branches of legal knowledge, including under that term constitutional law and legal history, and civil law and jurisprudence.

Some knowledge of these subjects must be useful to the barrister, not only as an advocate, but as a judge, and especially if he should be appointed to any judicial office in India or in the colonies; and although, during the ordinary period of preparation for the bar, it would probably be found impracticable to obtain an entire acquaintance with them without sacrificing objects more immediately pressing, yet there would be time enough to lay the foundation of this knowledge, which might be completed after the student should have been called to the bar, and before his time became wholly absorbed by practice. By mastering principles, the student becomes more interested in, and obtains a steadier grasp of, practical details.

The most convenient method of acquiring knowledge of these subjects is by lectures, followed by examination applicable both to the lectures and to the subjects generally. With respect to the practical branches of the law—that is to say, common law, equity, and conveyancing—although the knowledge of them will for the most part be best acquired in the chambers of the barrister or conveyancer, yet lectures on the principles of these subjects, combined with private study, afford important assistance to the student, and the prospect of an examination in them would be an useful stimulus to pupils studying in chambers—a stimulus the more necessary when we have regard to the length of time which elapses between the commencement of study and professional practice. Moreover, the barrister or conveyancer having pupils would feel that he had an interest in their success at the examinations, and would be desirous, even more than at present, of giving systematic instruction in the law, considered as a science.

It cannot be doubted that if a pupil, before going as such to the chambers of a barrister, should study under a reader the principles of the branch of law to which he is about to address himself, he would derive far more advantage from his period of pupillage than if he went there without such previous preparation. Such instruction under a reader would not necessarily disturb the present system of pupillage in chambers, if the lectures should be given at convenient times, and if the examinations should be so regulated as to enable, not only those who attend lectures, but those who diligently attend chambers, to pass, and to obtain distinctions and prizes. With this view, the questions at examinations might be so framed as on the one hand to test the knowledge which has been derived by those students who have attended the lectures, and on the other hand to test the knowledge of the subject which has been acquired in any other manner.

[To be concluded in our next number.]

**HENRY DALLIMORE**, Newport, Isle of Wight, grocer, Dec. 17 at 2, and Jan. 15 at 1, London: Off. Ass. Edwards; Sols. Low & Son, Portsea; Low, 65, Chancery-lane.—Pet. f. Nov. 28.

**EDWARD HOBBS**, Brighton, ironmonger, Dec. 12 at 2, and Jan. 8 at 1, London: Off. Ass. Stansfeld; Sols. J. & J. H. Linklater & Co., 17, Sise-lane, Bucklersbury.—Pet. f. Nov. 27.

**JONATHAN SAWYER**, Mary Ann-place, Crisp-street, East India-road, builder, Dec. 12 at half-past 2, and Jan. 15 at 1, London: Off. Ass. Graham; Sol. Hubbard, 18, Bucklersbury.—Pet. f. Dec. 3.

**WILLIAM FEHRENBACH**, Berners-street, Oxford-street, tailor, Dec. 11 at 2, and Jan. 15 at 12, London: Off. Ass. Graham; Sol. Pike, 26, Old Burlington-street.—Pet. f. Nov. 22.

**JOHN WINTERBOTTOM**, Kersley, Lancashire, provision dealer, Dec. 14 and Jan. 4 at 12, Manchester: Off. Ass. Hernaman; Sols. Richardson & Hinnell, Bolton-le-Moors.—Pet. f. Nov. 22.

**ALICE DEAN and ADAM DEAN**, Bolton, millwrights, (trading under the style or firm of A. Dean & Co.), Dec. 17 and Jan. 14 at 12, Manchester: Off. Ass. Pott; Sols. Higson & Robinson, Manchester.—Pet. f. Nov. 19.

**JANE HARTLEY**, Middleton, Lancashire, joiner, Dec. 20 and Jan. 10 at 12, Manchester: Off. Ass. Hernaman; Sols. Cobbett & Wheeler, Manchester.—Pet. f. Dec. 1.

**THOMAS KIRKHAM**, Blackburn, spinner, Dec. 18 and Jan. 15 at 12, Manchester: Off. Ass. Fraser; Sols. Catterall, Preston; Rowley & Son, Manchester.—Pet. f. Nov. 30.

**JOHN KIRKHAM**, Blackburn, cotton manufacturer, Dec. 17 and Jan. 14 at 12, Manchester: Off. Ass. Fraser; Sols. Ainsworth, Blackburn; Sale & Co., Manchester.—Pet. f. Nov. 23.

#### MEETINGS.

*Alfred Dixon Toovey and Joseph Wyatt*, Aldermanbury, wholesale stationers, Dec. 14 at 12, London, last ex. of *Alfred Dixon Toovey*.—*Richard Thomas Fitchell*, Hanover-street, Hanover-square, tailor, Dec. 20 at 11, London, aud. ac.—*Joseph Littleford*, Nottingham-mews, High-street, Marylebone, coach builder, Dec. 18 at 2, London, aud. ac.—*John Cooke*, Raven-row, Spitalfields, and Hall-street, City-road, glass manufacturer, Dec. 20 at 12, London, aud. ac.—*Horatio Collier* the younger, Painswick, Gloucestershire, blanket manufacturer, Dec. 20 at 11, Bristol, aud. ac.—*Samuel Moses Lotings and Noah Samuel Lotings*, Newcastle-upon-Tyne and North Shields, merchants, Dec. 20 at 11, Newcastle-upon-Tyne, aud. ac.—*James Hunter*, Burscough, Lancashire, shipwright, Dec. 14 at 11, Liverpool, aud. ac.—*Wm. John Mackenzie*, Clay-cross, Derbyshire, surgeon, Dec. 15 at 10, Sheffield, aud. ac.—*Thomas Brooks*, Henrietta-street, Covent-garden, and Sandown, Isle of Wight, wine merchant, Dec. 27 at half-past 1, London, div.—*George Butler Ponting*, Devizes, Wiltshire, innkeeper, Dec. 27 at 11, Bristol, div.—*Richard William Johnson*, Gloucester, wine merchant, Dec. 27 at 11, Bristol, fin. div.—*Thomas Parker*, Southport, Lancashire, hotel keeper, Dec. 26 at 11, Liverpool, div.—*Louis Akhborn*, Liverpool, toy dealer, Dec. 26 at 11, Liverpool, div.—*Richard Beckett*, Liverpool, carrier, Dec. 26 at 11, Liverpool, div.—*Jesse Shaw*, Longton, Staffordshire, stationer, Dec. 19 at half-past 10, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*William Turner*, King-street, Golden-square, licensed victualler, Dec. 27 at half-past 12, London.—*James Hunter*, Burscough, Lancashire, shipwright, Dec. 27 at 11, Liverpool.—*Joseph Braithwaite*, Worston Mill, St. Mary's, Staffordshire, miller, Jan. 7 at half-past 12, Birmingham.—*Richard Goodwin*, Derby, grocer, Jan. 8 at half-past 10, Nottingham.—*William Wright*, Loughborough, Leicestershire, miller, Jan. 8 at half-past 10, Nottingham.

*To be granted, unless an appeal be duly entered.*

*George Greenfield*, Upper Holloway, bricklayer.—*Thomas Dixon*, Crook, Durham, grocer.—*Wm. Holmes*, Wilsden, Bradford, Yorkshire, worsted spinner.—*Wm. Leedham* and *Wm. Alfred Wild*, Sheffield, opticians.—*James Beardmore* and *Thomas James Beardmore*, Audley, Staffordshire, millers.—*Edward Whitaker*, Walsall, Staffordshire, draper.—

*Edmund Lloyd Owen*, Tettenhall-road, near Wolverhampton, Staffordshire, mineral merchant.

#### PETITION ANNULLED.

*Wm. Bagley*, Fulham-fields and Dawley-wall, Middlesex, market gardener.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed James Sowerby Stockdale, Gent., of Tring, Hertfordshire, to be a Commissioner to administer oaths in the High Court of Chancery in England.

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## THE JURIST.

\* \* \* The long faces of a few of our friends, and their significant inquiries touching our health and expectation of life, have made us acquainted with certain reports as to the probable demise of "THE JURIST." The majority of our subscribers do not need to be assured that we look forward to a long, prosperous, and useful career. As to the authors of the report in question, if they had any sinister motive, we tell them, in the words of a great punster, that they will thereby attain neither their end nor ours.

LONDON, DECEMBER 15, 1855.

WE are fully alive to the objections that may be urged against re-opening a judicial inquiry upon the faith of extra-judicial statements. It is an evil to disturb the verdict of a jury on the ground that the facts before them, (of which they are constituted the proper judges), or the facts not before them, should neutralise such verdict; and this is especially objectionable when the evidence tendered to the Crown in an appeal to its mercy might have been, but was not, presented to the jury upon the trial; still it is an evil not to be compared with that of allowing an innocent man to suffer, or of a wholly disproportionate sentence being carried out. In

the latter instance the cause of truth and justice suffers; society, which should make the case of every fellow-citizen its own in this respect, is wounded through his side; in short, an injustice is committed, which cannot, without a deep injury to the social fabric, be allowed to remain unrepaired when it is once discovered. Practical inconvenience, or such evils as we have admitted to accrue from ex post facto inquiries and doubts, are not to be weighed against this great wrong. It must further be remembered that we have no court of appeal in this country upon the merits in criminal cases; there is the one cast before the jury, and when that is decided, nothing remains but an appeal to the Crown and to public opinion. In civil causes, a second—nay, a third or fourth—trial may be obtained on the ground that the applicant was taken by surprise at the trial, or that the verdict was against the weight of evidence, or sometimes on new matter since discovered. Not so with investigations of a criminal character, and therefore it is that some allowance is to be made for efforts to obtain a calm review of such investigations, in which society, as well as its suffering member, is so deeply interested. Our remarks have especial reference to the case of Mr. Bates, the banker, who, together with Sir John Dean Paul and Mr. Strahan, was sentenced on the 27th October last to

transportation for fourteen years. It will be remembered by those who were present at the trial, or who read a report of it, that the evidence bore less forcibly against Mr. Bates than against the other two prisoners. Bates, after years of toil as a clerk, had been received as a partner in the banking-house; he was not shewn to have personally dealt with the securities which had been fraudulently disposed of, but he was a partner—an active partner—with those who had done so, and, in the absence of proof to the contrary, it was reasonably presumed that he must have been cognisant of the transaction by which his firm were suddenly put in funds, which they so much needed. We believe this to have been the presumption that pressed so strongly against him, and upon which he was convicted. Thus, the learned judge, Mr. Baron Alderson, in his summing up to the jury, after stating that the case pressed more hardly against Sir John Dean Paul and Strahan than against Bates, said that they were partners, and, “as such, must naturally be supposed to know what was going on in the concern. In the first place, the money paid on account of the bonds sold was entered in Sir John Dean Paul’s book, and the aggregate of the sale (12,281*l.*) was brought to the credit of the bank. This is an important point for consideration. Then it must be presumed that the partners were generally aware of the securities in their strong room, and whether any of them were abstracted. It did not follow, however, that they were necessarily aware of such abstraction. . . . In reference to the disclosure before the Court of Bankruptcy, the case was less strong as to Bates’s knowledge of the conversion of the bonds, for he gave the account as that of securities converted, not by him personally, but by the firm.”\*

Now, a memorial has been drawn up by Mr. Bates, and it has been, or is about to be, presented to the Queen on his behalf. It in substance states this:—In 1820 he entered the bank as a junior clerk; in 1837 he was appointed ledger clerk, with a salary of 520*l.*; and in 1841, upon the retirement of Mr. Snow, he was invited to become a partner, but upon the distinct understanding that “*his promotion was not to confer upon him any privilege beyond an increase of his income to 1000*l.* per annum, and of being announced to the world as a partner.*” He assented to this proposal, and after executing the deed of partnership, continued to remain in the public office of the bank as before, and to discharge the duties of ledger clerk, adding thereto the duty of answering, as partner, such inquiries as were made of him from time to time by the customers. Except in the ordinary routine business of the bank, he never possessed any control over the management of the business with respect to the opening of large accounts, or upon the occasion of any considerable advances of money. He never derived any pecuniary advantage from the bank beyond his salary, and lived economically with his family in apartments in Norfolk-street down to the time of the bankruptcy. The advances were made by the house to Messrs. Gandell without his concurrence being asked for, and contrary

to his earnest advice. In December, 1853, on the books being balanced, he advised his co-partners to close the bank at once; but they declined to follow his advice, and said they clearly saw their way to carry on the business, and could rely on the resources they possessed and expected. He was “not in any manner cognisant of, or privy or party to, the sale of the bonds belonging to the prosecutor, Dr. Griffith, by Sir John Dean Paul, in March, 1854, and was not informed of it until some time after it had taken place; and although it may be urged against him that his remaining a member of the firm for one moment after he became acquainted with such fact was a moral weakness, yet he hopes that the subordinate and comparatively dependent position which he held, and his natural reluctance to precipitate the ruin of his partners, whilst they had the opportunity of retrieving the mischief which had been done, may not be disregarded.” Sir John assured him, when he became acquainted with the disposal of the bonds, that it was intended to replace them immediately; 5000*l.* Danish Bonds were purchased for that purpose; and when he (Bates) told the prosecutor, in April, 1855, that the dividends had been received, he believed that he was speaking the truth, and had no intention or desire to mislead. He was in Paris, where Messrs. Gandell were residing, during the greater portion of the time between May, 1854, and May, 1855, for the purpose of procuring payment of the amount due from them, and during that time took no active part in the management of the bank. He was wholly ignorant of his partners’ intention to make any deposit with Overend & Gurney, or to raise money upon the securities of their customers, or of their selling, pledging, converting, or using such securities. He refers to an affidavit made by Strahan, ready to be sworn in the Court of Bankruptcy on the 26th of last June, in which he distinctly states that Bates received a fixed salary, and had no control whatever over the affairs of the firm, and that the securities were disposed of by Sir J. D. Paul and himself, or by their authority.

Such is the present position of this most painful case so far as Mr. Bates is concerned, and we trust that if the allegations in the memorial are verified upon strict investigation, a pardon will be extended to this man, who may have had the misfortune to be associated with guilty partners without participating in their guilt.

## REGULA GENERALIS.

### ORDER OF COURT.—Nov. 30, 1855.

The Right Hon. ROBERT MONSEY Lord CHANWORTH, Lord High Chancellor of Great Britain, with the advice and assistance of the Right Hon. Sir JOHN ROMILLY, Master of the Rolls, and the Hon. the Vice-Chancellor Sir RICHARD TORIN KINDERSLEY, doth hereby, in pursuance of an act passed in the session of Parliament holden in the fifth and sixth years of the reign of her present Majesty, chap. 103, and of an act passed in the eighteenth and nineteenth years of her present Majesty, intituled “An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery, and to vest in the Lord Chancellor the Ground and Buildings of the said Court,

\* See the *Daily News*, Oct. 29, 1855. The above is the whole of the summing up, so far as it regards Bates.

situate in Southampton-buildings, Chancery-lane, with Powers of Leasing and Sale thereof," and in pursuance and execution of all other powers enabling him in that behalf, order and direct as follows:—

1. Every decree, order, report, certificate, petition, and document made, presented, or used in any cause in this court is to be distinguished by having plainly written on the first page of such decree, order, report, certificate, petition, and document the date of the year, the letter and the number by which the cause is distinguished in the cause books kept by the Clerks of Records and Writs.

2. The Clerks of Records and Writs are, in addition to the entries heretofore made by them in their respective cause books, to enter therein respectively the date of every decree, order, report, and certificate which shall be made in each cause.

3. The entry of every such decree and order is also to contain a reference to the date and folio of the Registrar's book in which such decree or order shall have been entered.

4. These Orders are to take effect on and from the first day of Hilary Term, 1856, but they are not to apply to any cause commenced before the first day of Michaelmas Term, 1852.

(Signed) CRANWORTH, C.  
JOHN ROMILLY, M. R.  
RICHARD T. KINDERSLEY, V. C.

## PUBLIC EXAMINATION OF STUDENTS.

HILARY TERM, 1856.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

"As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations, and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day."

"No student shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

### RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Hilary Term, to which a student of any of the Inns of Court, who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Tuesday, the 1st day of January next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Tuesday, the 8th day of January next, and will be continued on the Wednesday and Thursday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Tuesday morning, the 8th January, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Wednesday morning, the 9th January, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Thursday morning, the 10th January, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on Thursday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary, according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question, whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations, until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

THE READER ON CONSTITUTIONAL LAW and LEGAL HISTORY proposes to examine on the following subjects:—

He will expect the candidates for honours in the ensuing examination to have mastered the chapters in Hallam's Constitutional History which contain the reigns of the House of Stuart, of Queen Anne, and of George I and George II; the chapter on Treason in Forster's Canon Law; the chapter in Stephen's Blackstone on the same subject; the History of our Testamentary Law; the volumes of Rapin & Tindal's Continuation during the same reigns.

He will also expect them to be well acquainted with the State Trials during that period.

He will expect the candidates for a pass to answer any general question on the leading facts in English History, to be well acquainted with the eleventh, twelfth, and sixteenth chapters of Hallam's Constitutional History, and with the Trials of Russell, Sydney, and Lord Delamere.

The READER on EQUITY proposes to examine in the following books:—

1. Smith's Manual of Equity Jurisprudence. Mitford on the Pleadings in the Court of Chancery—Introduction; c. 1, ss. 1, 2; c. 2, s. 2, part 1, (the first three pages); c. 2, s. 2, part 2, (the first two pages); c. 2, s. 2, part 3; c. 3. The Act for the Improvement of the Jurisdiction of Equity, 15 & 16 Vict. c. 86.

2. The Cases and Notes contained in the first volume of White & Tudor's Leading Cases, and the cases of *Aldrich v. Cooper* and *Rees v. Berrington*, with the Notes to those cases in the second volume.

Candidates for certificates of fitness to be called to the Bar will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for the studentship or honours will be examined in the books mentioned in the two classes.

The READER on the LAW OF REAL PROPERTY proposes to examine in the following books and subjects:—

1. Williams—Real Property; Sugden—Powers, vol. 1; Butler's Notes to Co. Litt. 191. a., ss. 2, 5; 271. b.

2. Cruise's Digest, tit. xvi, "Remainders."

3. Title by Non-claim—2 & 3 Will. 4, c. 71; 3 & 4 Will. 4, c. 27.

4. The Law of Covenants in its relation to Real Property; *Spencer's case*, (1 Smith's L. C. 26); *Tulk v. Mosehay*, (2 Ph. 774).

5. The Law of Settlement, with reference to Antenuptial and Post-nuptial Settlements.

Candidates for honours will be examined in all the foregoing books and subjects. Candidates for a certificate will be examined in those mentioned in parts 1, 2, and 3.

The READER on JURISPRUDENCE and the CIVIL LAW proposes to examine candidates for honours in the following books and subjects:—

1. The Elements of the Roman Law of Testaments and Legacies, as contained in the *Institutiones Juris Romani Privati* of Warnkönig.

2. Wheaton's Elements of International Law, vol. 2, c. 3, on Neutral Rights, and c. 4, on Treaties.

3. Lindley's Introduction to the Study of Jurisprudence, c. 3, on the Objects of Rights and Duties. (The text of Thibaut as translated by Lindley, and the notes of the translator in the Appendix).

Candidates for a pass certificate will be examined in—

1. Sandars's Institutes of Justinian, book 2.

2. Wheaton's International Law, vol. 2, c. 4.

The READER on COMMON LAW proposes to examine in the following subjects:—

Candidates for a certificate will be examined in—

1. The Introduction to Blackstone's Commentaries, ss. 2, 3.

2. The 4th and 17th sections of the Statute of Frauds, as commented on and illustrated by Mr. Smith in his Lectures on Contracts, 2nd ed., pp. 37—78.

3. The Law of Simple Larceny, (which may be read from Archbold's Criminal Pleadings, 12th ed., or any other recent Treatise on Criminal Law).

4. Candidates for a certificate will also be expected to answer any question having reference to the ordinary proceedings in an action at law.

Candidates for the studentship or honours will be examined in the foregoing subjects, and also in—

5. The under-mentioned cases:—

*The Six Carpenters' case*, (8 Rep. 146), in connexion with which should be read *Tharpe v. Stallwood*, (5 Man. & G. 760).

*Pinnel's case*, (5 Rep. 117), with which should be read *Sibres v. Tripp* (15 M. & W. 23) and *Cooper v. Parker*, (14 C. B. 118).

*Ashby v. White*, (1 Smith's L. C. 105), with the note thereto.

6. Taylor on Evidence, 2nd ed., vol. 1, part 2, cc. 7, 11—15, (inclusive of hearsay evidence, and some of the leading exceptions to the rule excluding it).

By order of the Council,

RICHARD BETHELL, Chairman.

Council Chamber, Lincoln's Inn, Dec. 4, 1855.

## INNS OF COURT COMMISSION.

### REPORT.

(Concluded from p. 480).

Some of the witnesses appear to entertain apprehensions lest a compulsory test should tend to exclude from the bar that class of persons who proceed to it, not with a view to professional practice, but with the intention of becoming members of Parliament or magistrates. We should regret such a result, but we do not share in the apprehensions. It must be admitted that to this class of persons the knowledge of some portions of the science of law—especially constitutional law and legal history, jurisprudence, and international law; and of some portions of the professional branches of law, as criminal law and the law of evidence—would be highly valuable. It is not found that examinations for degrees discourage those persons, to whom a degree is of no practical utility in after life, from going to the universities, and completing their course of education there. And we conceive that the opportunities of obtaining a better education than is at present offered in scientific and practical branches of the law, which may be especially useful to the legislator or the magistrate, may not only counteract the possible fear of examination, but may induce a large number of young men of that class to prepare themselves for the bar. Those who may be unwilling to submit to any examination can have little reason to complain if they are not allowed to assume the position of members of a learned profession. And we are not prepared to say that either the former system of dining a certain number of days in hall, or the present additional requirement of sitting a certain number of hours in a lecture-room, should be accepted as sufficient qualifications for that position.

We proceed next to consider the best mode of carrying such a system of instruction as we conceive to be necessary into effect. The expediency will be conceded of having one system common to all the inns of court for testing the general knowledge of persons to be admitted as students, and the legal knowledge to be required as a condition for the call to the bar.

The combined action of the several inns of court as one body presents obvious advantages over their separate action—

First, in respect of uniformity and justice.

Secondly, in respect of expense.

It affords also a wider field of competition in the examinations than would be presented if each inn of court were to employ separate readers in the various branches of knowledge to conduct a separate series of examinations.

We think, moreover, that considerable advantage would result to the Bar as a liberal profession from a better recognised and more definite and permanent combination of the inns of court in reference to legal

education and examinations than exists at present in respect of the Council of Legal Education, and that the inns might be united in a university\*, still preserving their independence respectively as distinct societies, with respect to their property and internal arrangements.

Such a university might not only regulate the examinations to which we have adverted, but might likewise confer degrees in law.

Except in the Ecclesiastical and Admiralty Courts, degrees in law at our universities are at present little regarded by the Profession. We think, however, that similar distinctions given in London, and in public, by the great legal bodies, or by a combination of them, for proved merit, might be of considerable professional value. We are all aware that an industrious and accomplished barrister is, under the present system, sure of ultimate success. Early opportunities of practice are nevertheless of great value to the barrister in stimulating his industry, and in the timely development of his talents. Such opportunities might more frequently arise if the solicitor had any such grounds to justify his selection of a young barrister as might be afforded by degrees or other distinctions granted to students in respect of their examinations. Country gentlemen also, who are not desirous of practising as barristers, may nevertheless be glad to avail themselves of the opportunity of legal study afforded by such an university.

From the foregoing considerations, we deem it advisable that there shall be established a preliminary examination for admission to the inns of court of persons who have not taken a university degree, and that there shall be examinations, the passing of which shall be requisite for the call to the bar; and that the four inns of court shall be united in one university for the purpose of these examinations, and of conferring degrees; and we propose the following heads of a scheme for that purpose:—

1. That a university be constituted, with a power of conferring degrees in law, of which the constituent members shall be the chancellor, barristers-at-law, and masters of laws.

2. The chancellor of the university to be elected for life, the electors being all barristers (including serjeants) and masters of laws.

3. That a senate, consisting of thirty-two members, shall be elected in manner following, viz. eight members shall be elected by each inn of court, five of them being benchers of the inn, and elected by the benchers, and three of them being barristers (including serjeants) of any inn, but elected by the barristers (exclusive of the benchers) of the inn to which they belong.

4. That one-fourth of the senate shall retire annually, but the retiring members to be re-eligible.

5. That a vice-chancellor shall be elected by the senate from their own body, and upon his ceasing to be a member a fresh election shall take place. The vice-chancellor shall preside at the meetings of the senate, with the privilege of a casting vote. [The details, as to convening meetings, a quorum, and the like, will be provided for in any charter or act of incorporation.]

6. That the senate and vice-chancellor shall not receive any emolument, but shall have power to appoint a treasurer, a secretary or registrar, and other proper officers.

7. That the existing arrangements for the payment of the readers by the inns of court be continued, and

that the senate shall from time to time direct the payment of such fees as they shall think fit by the students towards the expenses of the university, and shall transmit tables of such fees to the inns of court; and any further funds that may be requisite shall be provided by the inns of court.

8. That the meetings of the senate be in the hall of one of the inns of court.

9. That the government of the university be in the chancellor and senate.

10. That there shall be—

First, a preliminary examination of candidates for admission as students at the inns of court.

Secondly, an examination in law of students desirous of being called to the bar, or taking a degree of master in laws. That there shall be two of each of such examinations respectively held every year, the one shortly before Michaelmas Term, and the other shortly before Easter Term.

11. That no person shall be examined for admission as a student at an inn of court unless he shall produce his conditional admission by the inn, subject only to his passing such examination.

12. To pass such preliminary examination such persons must possess a competent knowledge of English history and Latin.

13. No person shall be admitted as a student into any inn of court unless he shall have passed the preliminary examination, or have obtained the degree of bachelor of arts, or inceptor or bachelor in law, at some university within the British dominions.

14. The subjects for the examination of students desirous of being called to the bar, or of taking a degree in laws, shall be divided into two branches, consisting of the following subjects:—

First branch:

- a. Constitutional Law and Legal History.
- b. Jurisprudence.
- c. The Roman Civil Law.

Second branch:

- a. Common Law.
- b. Equity.
- c. The Law of Real Property.

15. That no person shall be called to the bar unless he shall receive a certificate from the senate of having passed a satisfactory examination in at least one subject in each of the above branches.

16. That students may present themselves as candidates for honours at the examination in such branches; and if they shall be deemed by the examiners to have passed a creditable examination in all the subjects of either branch, they shall be entitled to a certificate of honour in respect of such examination; and if they shall have passed a like examination in all the subjects of both branches, they shall be entitled to the degree of master of laws. The senate to make regulations in respect of the classification of the students for honours.

17. That at each examination a studentship of fifty guineas per annum, to be held for four years, be awarded to the master in laws who shall have passed the best examination.

18. That all persons desirous of being called to the bar, and all candidates for honours other than candidates for the studentship, may, as they think fit, pass their examination in each branch either at the same time or at separate times; but the candidates for the studentship must be examined in both branches at the same time.

19. That the examiners be appointed by the senate.

20. That readers be appointed, as at present, by the inns of court, the senate appointing the fifth reader, now appointed by the Council of Legal Education, with power for each bench, (if it think fit), subject to the approbation of the senate, or for the senate on the

\* It may be suggested that the word "university" has been commonly applied to a course of general or universal instruction in letters and science; but the word in its earlier import simply implies a corporate body, and, notwithstanding late usage, may not inaptly be applied to a course of instruction in every department of law.



joint application of all the benches of all the inns, to appoint additional readers.

21. The inns of court not to be compelled to call to the bar those who shall have passed an examination, but to retain their present powers with reference to the calling of students to the bar, and the disbarring of persons after their call, subject to the appeal to the judges.

We have not thought it to be within the scope of our commission to consider whether it would be expedient to associate the advocates of Doctors' Commons with the great body of the Profession who are members of the inns of court; but there would, as it appears to us, be very little difficulty in rendering them constituent members of the university, if it were thought desirable.

With regard to Serjeants'-inn, it must be remembered that the judges are all members of that inn; and as they exercise an appellate jurisdiction over the inns of court in regard to the call to the bar, with which we do not propose to interfere, it does not seem to us desirable to introduce that inn as part of the university.

We would venture to suggest, in conclusion, that the several universities of the realm will, in our judgment, co-operate more effectually in advancing legal education by a sound and liberal training for the students intending afterwards to enter upon the profession of the law—a training limited, in respect to that study, to general principles—than by increasing the amount of special instruction which the inns of court give should properly supply. We feel assured that there is no more important part of the solid preparation for entering upon any of the learned professions than the discipline and the cultivation of an enlightened university education; and looking to the increased facility of such preparation, and the probable effect of the improved system in the inns of court, which we humbly recommend for their adoption, we anticipate with hope and confidence the maintenance of an educated and enlightened Bar, upon whose integrity, independence, and learning the pure administration of justice, and the security of civil society, must, under the blessing of Divine Providence, largely and permanently depend.

Witness our hands and seals this 10th day of August, 1855.

WILLIAM PAGE WOOD.  
JOHN TAYLOR COLERIDGE.  
JOSEPH NAPIER.  
A. E. COCKBURN.  
RICHARD BETHELL.  
E. PERRY.  
JOHN GEORGE SHAW LEFEVRE.  
HENRY S. KEATING.  
THOMAS GREENWOOD.  
GERMAIN LAVIE.

## PUBLIC PROSECUTORS.

In May last the Public Prosecutors Bill was referred to a select committee of the House of Commons, consisting of the following members:—Sir George Grey, Lord Stanley, the Attorney-General, Sir Frederick Theisiger, the Solicitor-General for Ireland, the Lord Advocate, Mr. Watson, Mr. J. G. Phillimore, Mr. Walpole, Mr. Napier, Mr. Miles, Mr. Ewart, and Mr. Phillips.

In August last the committee reported to the House that they thought it most expedient for them, at that advanced period of the session, merely to present the evidence they had collected, and they recommended that they should be permitted to resume their labours at the commencement of next session.

The evidence has now made its appearance in the

form of a "blue book," and we propose to transfer the most interesting portions of it to our pages.

### Lord Brougham's Evidence.

Lord Brougham was the first witness examined. He said—The first great evil which I think exists at present is the ineffectual provision made for the prosecution of offences. Nothing can be more ineffectual than the provision which the law, and the practice under it, now make for it. An individual is injured by either his person being attacked or by his property being invaded, and he is called upon himself to prosecute, and he is in some cases compelled to prosecute; though, generally speaking, I believe one may say, that what is called "binding over to prosecute" rather means binding over to give evidence than to do anything more; it possibly comes to that practically. There is no doubt that a magistrate has the power where he pleases, in the alternative, to bind over to prosecute, or to bind over to give evidence; and sometimes, though I believe rarely, he binds over to prosecute. . . . There is some hardship even in that, in being bound over to give evidence; for though a person's expenses are paid, yet they are paid after the trial, and upon the Court being of opinion that there was a ground for the prosecution, where he was not bound over. Where he is bound over, it would be very hard indeed to refuse to give him his expenses. But then, I believe, there is this difference—at least, the statutes take that distinction—that he may have his fair and reasonable expenses; but unless he is a poor person, he has, as I apprehend, no consideration given to him for his trouble and loss of time; if he is a poor person he has, but that is of modern date. I take it that that is really only since the 18 Geo. 3.

*Mr. Phillimore.*—Does your Lordship think that we might add to the list of the evils the danger of a poor prosecutor being induced to compromise, and to waive the injury done to the public altogether?—It is possible, no doubt, that this might happen; but under that head, of the escape of the offender, there is a much wider door open than that to which you refer; for it is a thing which constantly happens, that a wealthy person under prosecution buys off the witness. If the witness is under recognisances to prosecute, or to appear and give evidence, the forfeiture of the recognisances is by a wealthy party very easily settled for, and there is no prosecution.

*The Attorney-General.*—The difficulty which I feel is this—I do not quite see how the appointment of a public prosecutor would prevent that result. If the prosecution were altogether vested in a private individual, you might buy off the private individual. Put the case where there is a public prosecutor: the public prosecutor would seek to procure the attendance of the witnesses, so as to accomplish in the end a conviction. So far as I see, it would still be as easy to buy off the witnesses as it is now to buy off the prosecutor; and I have never seen quite clearly how the appointment of a public prosecutor would prevent that mischief which arises of getting rid of the testimony?—I do not see that any provision which you could make would absolutely prevent, in all cases, that very great mischief to which we are adverting; but there is a great difference between the case of a single witness bound over to prosecute and give evidence, and he alone, therefore, being certain to appear, and all the witnesses who may be competent to prove the case, and whom the public prosecutor could cast his net over and bring.

All the witnesses are bound over now?—All those who are before the magistrate, no doubt.

*Mr. Phillimore.*—Your Lordship thinks that it would diminish, but that it would not prevent?—No doubt it would very greatly diminish, without wholly and absolutely preventing.

Would not your Lordship think that a person in the rank of a public prosecutor, instead of a policeman, would have a very considerable moral effect?—I should think so. I gave one or two instances as to the moral operation when I was examined here before, and also lately in my statement in the House of Lords. One very remarkable instance was a case which happened at Plymouth. I think the person engaged was an anchor smith in a large way of business—a very wealthy man. Under the pressure of temporary embarrassment he had committed forgery to a large amount. He was arrested, imprisoned, and the person was bound over to prosecute in the usual way. There was no appearance at the trial. The recognisances were of course forfeited. The man had been bought off, and there was no prosecution of that offender at all. That would have been a very difficult thing in Scotland, or where there is a public prosecutor; for the person who forfeits his recognisance is perfectly known, and unless not only the recognisance had been satisfied by the person under accusation, but the party who had been forged upon had been got out of the country, the prosecution must have gone on: there could have been no mode of preventing the prosecution by merely providing for the recognisance being forfeited, because the party would have been in some degree under the jurisdiction of the Court, and liable to be called upon. The public prosecutor would not have cared a rush for the recognisance being forfeited; he would not have cared a rush even for the recognisance; in all probability there would have been no recognisance in the case of there being a public prosecutor; he would have subpoenaed the witness, and that witness must have appeared; and the only way of getting rid of that witness would have been by removing him from the country which one has known in certain cases; but then they were not the cases of persons of a certain rank or station, but very inferior persons, who were by the parties under accusation spirited away, or induced to go abroad by the payment of a large sum—nay, by the payment of an annuity for life to those individuals.

*The Attorney-General.*—No doubt that does occur in certain cases?—One has known cases of that sort.

I quite agree that the appointment of a public prosecutor would tend, in many points of view, to improve the administration of justice, but I do not quite see how getting witnesses out of the way could be altogether prevented?—No doubt we must go by steps. Let me just put another case, which refers to parties who are incapable of being bought off in any way. There are members of the Society of Friends, Quakers, who are exceedingly hostile to the penal law as it now stands, and would have been much more hostile to it at the time I mention, when forgery was a capital offence. They are bound over to prosecute, and they forfeit their recognisance, without the party paying a farthing for it; even if there was no recognisance they would have a great reluctance to come forward; but they would be compelled to come forward. I know one case in which one of the great bill-brokers in this city had a forged bill in his possession; he refused to come forward; there was nobody except another party who had an interest in prosecuting that individual; if there had been a public prosecutor it would have made a case past all doubt. . . . I think a very misplaced humanity, and very often a personal delicacy towards parties, has the effect of preventing a prosecution; whereas a public prosecutor would be bound to have no such feelings, and would have none. . . . I wish to be guarded, in all the evidence which I am giving upon this subject, against its being supposed that I consider it at all an easy matter. I consider that it is surrounded with very great difficulties—I only hope not insuperable difficulties; but I have always felt the difficulty very strongly indeed. Lord Campbell, when the case was broached once or twice, I

think, in the course of this session and the last in the House of Lords, also felt the great want of a public prosecutor, but was staggered by the difficulties in supplying a remedy; and I cannot help feeling that there are very great difficulties. But perhaps I might mention, which I did upon that occasion, that an arrangement had been made in 1834, just before the Government was changed, for taking a step in that direction without at all introducing a legislative measure, which should give not only a public prosecutor, but what I am afraid must be a part of it, namely, a system of public prosecutors, because that is one great difficulty, that you must have not only one public prosecutor generally to superintend, but you must have locally his deputies, or in some sort his representatives. That was certainly one very great difficulty in the case. Our plan then was this:—I was Chancellor, and Lord Duncannon, afterwards Lord Beborough, was Secretary for the Home Department; we had arranged everything at that time, namely, about October and November, 1834, for making the experiment in this way: to take the Central Criminal Court, which has a very large jurisdiction, now extending over more than 2,000,000; and at that time it had not quite so great, but certainly a very large jurisdiction; and we proposed that in the Central Criminal Court the Treasury should employ one or more counsel, and always the same, and should give them the preparation and superintendence of prosecutions. This plan was formed upon the precedent which we had set us by the practice in some counties in England, chiefly the West Riding of Yorkshire and the counties of Durham and Northumberland. When this was mentioned in the House of Lords lately, the present Chancellor added the county of Chester also; he stated that there was an arrangement of the same sort there. The clerk of the peace singles out one counsel, and gives him the general superintendence of prosecutions—the preparation of the indictment, the examination of the evidence previously, settling whether it is a case fit to be prosecuted or not, and then superintending it, and, generally speaking, being the counsel at the trial; not always, and not of necessity, but generally being one of the counsel. That has been found exceedingly advantageous; and there is a great difference as respects the mode of conducting the trials and the results; the proportions of acquittals to convictions in those counties are exceedingly different, I believe, from what they are generally speaking. I think I may include the West Riding of Yorkshire; but I am more clear about Durham and Northumberland. Mr. Losh used to be the person always employed. I ought to mention, in continuance of my answer to your first question as to the advantages of a public prosecutor, that not only does the want of a public prosecutor enable the guilty to escape, but it in many cases puts persons who are not guilty upon their trial when they ought not to be so put. I consider that the responsible character of an individual public prosecutor is the best possible security against that; and that this happens, and happens very frequently, I can have no manner of doubt. There is the check of the grand jury, to be sure; but that check has been found in many cases exceedingly insufficient, from there being no individual responsibility in the grand jury, from no one knowing who finds the bill. Here are twenty-three persons; one cannot tell which of those twenty-three constitute the twelve who have found the bill. The case which I am stating has occurred. I shall not easily forget a case which I mentioned in my evidence many years ago in this House, and which I stated lately in the House of Lords—a case which happened at Lancaster. Mr. Blundell, of Ince, was put upon his trial for murder, and held up his hand in the dock charged with murder. The murder which the grand jury in this instance conceived to have been committed by him was this: there was a

road in repair upon his estate, and his bailiff had omitted, in throwing a rope across the road in order to prevent access, to put a lantern, and an old woman, coming from market at night in a donkey cart, tripped over this rope for want of a light, and broke her neck, and unfortunately was killed. The grand jury were pleased to consider, in the first place, that this was murder; and in the next place, that it was murder by Mr. Blundell, perpetrated by the negligence of his bailiff. The case was opened before Wood, B.; the counsel had some difficulty in keeping his countenance long enough to open the case; however, he did get through a statement of the facts pretty nearly as I have mentioned them. Wood, B., immediately said, "Are the grand jury discharged? Go and see." The grand jury were discharged, and could not be found. "I am very sorry for it," he said; "this is a most shameful case." Mr. Blundell, of course, was immediately acquitted, but he went down to the grave with the stigma of having held up his hand on a charge of murder, in the dock among felons at Lancaster assizes. He was a Roman Catholic, and there were very great religious prejudices and controversies prevailing in that county; and I have no doubt that that was not the last time that he heard of this charge having been made against him. Now, I say no public prosecutor durst have put Mr. Blundell upon his trial.

*Mr. Phillips.*—Had a magistrate committed in that case?—It is possible Mr. Blundell may have been committed; he was not in gaol at the time; if he had been committed, he was out upon bail.

*The Attorney-General.*—Would your Lordship deem it desirable, with the view of preventing such a case of public outrage as that, that the public prosecutor should intervene prior to the finding of the bill by the grand jury, or after it?—I should greatly prefer the public prosecutor interfering in the first instance.

So that only such cases should be sent to the grand jury as the public prosecutor was of opinion ought to be submitted to them?—Yes; I have the greatest reverence for the institution of the grand jury, but at the same time I consider that in the great majority of cases it might be most conveniently and advantageously dispensed with.

*The Lord Advocate.*—If there was a public prosecutor, would it not be better to do away with the grand jury altogether?—I can hardly say that.

*Mr. Phillips.*—Would your Lordship be disposed to take this view of the case: supposing the public prosecutor refuses his sanction to a prosecution, would you allow the complaining party, at his own risk and expense, to take it before the grand jury; because otherwise does not it appear to your Lordship that you give to the public prosecutor, supposing him appointed, absolute power?—I would by no means take away the power of the individual or the grand jury.

*Lord Stanley.*—But in such event, would not the person whose case the public prosecutor had refused to send before the grand jury have undergone what would probably be regarded by the grand jury as a virtual acquittal beforehand?—No doubt it would have that effect; the refusal of the public prosecutor would always be taken into account. In Scotland the course is this: the Lord Advocate, who is the public prosecutor there, may refuse to prosecute; but the private party, with what is called the concurrence of the Lord Advocate, may prosecute; and it was always in my time a moot point whether the Lord Advocate had the right to refuse his concurrence; I think the more general opinion was, that he had not the right to refuse his concurrence.

*The Lord Advocate.*—I think it is now fixed that he has not the right?—I have seen a prosecution (it was a case of military riot) in which several persons were tried, the prosecution being carried on, with the concurrence of the Lord Advocate, by a private prosecutor; they were acquitted, no doubt, but they might have

been convicted. And I ought to observe, that in discussing the question of a public prosecutor with several of the judges particularly, their great objection to dispensing with the grand jury, and to having a public prosecutor, which might virtually dispense with the grand jury, was the taking away from private parties their right of prosecuting, and vesting it in the Crown. I also know that many persons other than judges had a great objection to the alteration of the law with respect to appeal of felony and appeal of murder. I remember Sir Francis Burdett very much objected to it, preferring even the possibility of the plea of wager of battle to abolishing it altogether, because it would be taking away the remedy of the public. But I do not see at all why that remedy should be taken away. I do not see the incompatibility of the two; they are not found incompatible in Scotland, though it very rarely happens that a private party prosecutes in Scotland.

*Lord Stanley.*—Even leaving the right of private prosecution, and retaining the grand jury on its present footing, would not the decision of a public prosecutor, whom you assume to be an experienced lawyer, refusing to take up the case after hearing the statement of the aggrieved party, virtually supersede the functions of the grand jury, and throw out of court the case which he had refused to take up?—It might sometimes do that; but then there would be this security, that supposing the public prosecutor is the servant of the Crown, the other side of the question is to be considered, of a prosecution being instituted which ought not to be instituted; the grand jury in that case is a protection to the party. For instance, supposing in the heat of political discussion, or political controversy, violent times were to recur—which God forbid! but which some of us are old enough unhappily to remember—there might be prosecutions where a grand jury would be a salutary check. However, this is to be said, and it may be considered no doubt as for a public prosecutor and against a grand jury, that in times of that sort the grand jury always have a very great chance of being under the influence of the popular excitement at the moment.

*The Attorney-General.*—Has it occurred to your Lordship to consider the question with reference to a distinction between political and other cases, whether, supposing it were thought expedient to dispense with the intervention of the grand juries in ordinary cases, they might be reserved for cases of a particular description?—It would be very difficult to draw the line, by any legislative enactment, between political and other cases. For example, in the very case to which I have referred, where in Scotland, the Lord Advocate having refused to prosecute, a relation prosecuted the parties with his concurrence, it was for murder, and the question would have arisen, was it a political case or not? It was a murder connected with a riot, no doubt; but it might not have been so connected in such a way as to come within the scope of a provision of that sort.

(To be continued).

The Queen has been pleased to appoint Alexander Heslop, Esq., to be Attorney-General for the Island of Jamaica.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed William Rowe, Gent., of Stratton, Cornwall, to be a Commissioner to administer oaths in the High Court of Chancery in England.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Charles Bettesworth Helard, Gent., of Portsmouth, Hampshire, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Hants.

lodge, Battersea-fields, Surrey, tailor.—*James Norris*, Camden-lodge, Peckham, Surrey, and Upper Thames-st., London, wholesale stationer.—*Thomas Wayland*, Battersea, beer-shop keeper.—*Wm. Wooldridge*, Wickham, Southampton, tanner.—*Wm. Watson*, York-terrace, Regent's-park, hotel keeper.—*George Selby*, Ironmonger-lane and Upper Thames-street, London, and Birmingham, iron enameller.—*Thomas Tyler*, Wood-street, Cheapside, warehouseman.—*Wm. Broadhurst* and *W. M. Broadhurst*, Sheffield, table-knife manufacturers.—*Benjamin Gregory*, Sheffield, builder.

## PARTNERSHIPS DISSOLVED.

*Thomas Baker*, *Wm. Ruck*, and *Wm. Jennings*, Lime-st., attorneys and solicitors.—*Richard Rose*, *Wm. Parrott*, and *Joseph Parrott*, Aylesbury, Buckinghamshire, attorneys and solicitors.

TUESDAY, Dec. 11.

## BANKRUPTS.

**WILLIAM THOMAS**, Catherine-street, Strand, publisher, Dec. 21 at 11, and Jan. 25 at half-past 1, London: Off. Ass. Whitmore; Sol. Gregory, 101, Guildford-street, Russell-square.—Pet. f. Dec. 7.

**JOHN BOND**, Ludgate-hill, shawman, Dec. 21 and Jan. 25 at 1, London: Off. Ass. Whitmore; Sol. Dale, 8, Farnival's-inn.—Pet. f. Dec. 7.

**THOMAS BENNETT**, Margaret-street, Cavendish-square, tailor, Dec. 18 at 2, and Jan. 22 at 12, London: Off. Ass. Stansfeld; Sol. Braddon, 6, Gray's-inn-place, Holborn.—Pet. f. Dec. 7.

**RICHARD HUDSON**, Church-street, Hackney, fancy wool warehouseman, Dec. 19 and Jan. 22 at 1, London: Off. Ass. Graham; Sol. Stubbs, 46, Moorgate-street.—Pet. f. Dec. 10.

**THOMAS VARTY and ELWIN HENRY OWEN**, Strand, publishers, Dec. 26 at 12, and Jan. 23 at 1, London: Off. Ass. Stansfeld; Sols. Bower & Co., 46, Chancery-lane.—Pet. f. Oct. 12.

**JOHN JAMESON**, Honey-lane, Milk-street, shawl warehouseman, Dec. 19 and Jan. 22 at 2, London: Off. Ass. Stansfeld; Sols. J. & J. H. Linklater & Co., 17, Sise-lane, City.—Pet. f. Dec. 8.

**JOHN HENRY HODD**, Brighton, licensed victualler, Dec. 21 at 2, and Jan. 21 at 1, London: Off. Ass. Lee; Sol. Adams, 12, Cloak-lane, Dowgate-hill, Cannon-street.—Pet. f. Dec. 8.

**JOHN HAYWARD COLBORNE**, Poole, draper, Dec. 22 at 11, and Jan. 25 at half-past 11, London: Off. Ass. Pennell; Sols. Mardon & Pritchard, Christchurch-chambers, 99, Newgate-street.—Pet. f. Dec. 8.

**GEORGE BUTCHER**, Cornhill, London, and Northern-wharf, King's-cross, Middlesex, and Ruardcan, Gloucestershire, coal merchant, (late of Skinner-street, Snow-hill, London, Regent-street, and Belmont-wharf, King's-cross, Middlesex), Dec. 21 at half-past 1, and Feb. 2 at 11, London: Off. Ass. Pennell; Sols. Hind & Sons.—Pet. f. Dec. 10.

**JOHN FULLER SHALLIS**, St. Albans, Hertfordshire, straw plait dealer, Dec. 22 and Jan. 26 at half-past 12, London: Off. Ass. Nicholson; Sols. Sole & Co., 18, Alder-mansbury.—Pet. f. Dec. 4.

**WILLIAM BOURNE**, Barnes-place, Mile-end-road, cabinet maker, Dec. 20 at 2, and Jan. 21 at 12, London: Off. Ass. Edwards; Sols. Clutton & Ade, 48, High-street, Southwark.—Pet. d. Dec. 8.

**SAMUEL WELLER**, Giltspur-street, leather dealer, Dec. 20 at 11, and Jan. 24 at 1, London: Off. Ass. Johnson; Sols. Botamley & Freeman, 39, Coleman-street.—Pet. f. Sept. 20.

**SAMUEL DAVIS and THOMAS BRYAN**, Birmingham, engineers, Dec. 27 at 11, and Jan. 17 at half-past 12, Birmingham: Off. Ass. Whitmore; Sols. Hodgson & Allen, Birmingham.—Pet. d. Dec. 6.

**HENRY ABRAHAM SHILTON**, Coventry, trimming manufacturer, Dec. 28 and Jan. 18 at 11, Birmingham: Off. Ass. Christie; Sols. Davis, Coventry; Hodgson & Allen, Birmingham.—Pet. d. Dec. 7.

**WILLIAM SWEET**, Stokes, Devonport, house carpenter, Dec. 17 at 1, Hall of Commerce, Plymouth, and Jan. 14 at 1, St. George's-hall, East Stonehouse: Off. Ass. Hirtzel; Sols. Beer & Rundle, Devonport.—Pet. f. Dec. 6.

**JOHN STEPHENSON**, Hogthorpe, Lincolnshire, joiner, Jan. 9 and Feb. 6 at 12, Kingston-upon-Hall: Off. Ass. Carrick; Sol. Farrow, Alford.—Pet. d. Dec. 7.

**FRANK JAKES**, Droyliden, Lancashire, silk dyer, Dec. 21 and Jan. 11 at 12, Manchester: Off. Ass. Hernaman; Sol. Partington, Manchester.—Pet. f. Dec. 10.

## MEETINGS.

*John Laker* the elder, Maidstone, builder, Dec. 21 at 11, London, last ex.—*Frederick Gadd*, Chichester, Sussex, grocer, Dec. 21 at 11, London, last ex.—*Wm. A. Edwards* and *Thomas Whitlock*, Upper Thames-street, bottle merchants, Dec. 21 at 12, London, aud. ac.—*George Pell*, Welford, Northamptonshire, scrivener, Dec. 22 at 11, London, aud. ac.—*W. Edwards*, Cross-street, Finsbury, porter merchant, Dec. 31 at half-past 11, London, aud. ac.—*Arthur Greenhill*, Harrow-on-the-Hill, baker, Dec. 31 at 2, London, aud. ac.—*William Dent*, Newcastle-street, Strand, lead merchant, Dec. 21 at 11, London, aud. ac.—*Edward Weatherby*, Newmarket, Cambridgeshire, *James Hilton Ford*, Bodlondet, Carnarvonshire, *Wm. Legh Hilton*, Holywell, Flintshire, *Richard Addison*, Preston, and *Robert Gibson*, Bolton-le-Sands, Lancashire, cotton spinners, Dec. 21 at 12, Manchester, aud. ac.—*James Sims*, Blakeney, Gloucestershire, tailor, Dec. 27 at 11, Bristol, aud. ac.—*David Davies* the younger, Neath, Glamorgan-shire, railway contractor, Jan. 10 at 11, Bristol, aud. ac.—*Henry Cowie*, Liverpool, shipowner, Dec. 21 at 11, Liverpool, aud. ac.—*George Havelock* and *Matthew Benjamin Robson*, Monkwearmouth, Durham, ship builders, Dec. 21 at 11, Newcastle-upon-Tyne, aud. ac.—*Titus Gaukroger* and *James Gaukroger*, New Bridge and Lord Holme Mills, near Hebdenbridge, Halifax, cotton spinners, Jan. 8 at 11, Leeds, aud. ac. and div.—*James Gaukroger*, *Titus Gaukroger*, and *Wm. Slater*, Hebble End Mill, near Hebdenbridge, Halifax, cotton spinners, Jan. 8 at 11, Leeds, aud. ac. and div.—*Wm. Ashton*, Loughborough-road, Brixton, builder, Jan. 3 at 11, London, div.—*David Edwards* the younger, Landport, Portsea, flour factor, Jan. 1 at 1, London, div.—*Thomas Edward Shales*, Brighton, linendraper, Jan. 1 at 12, London, div.—*John Burrell Morgan* and *John Lewis*, Ystalyfera Graig, Glamorgan-shire, drapers, Jan. 10 at 11, Bristol, div.—*Thomas Dixon*, Crook, Durham, grocer, Jan. 8 at half-past 11, Newcastle-upon-Tyne, first and fin. div.—*Thomas Kells*, Bolton, Lancashire, cotton spinner, Jan. 3 at 12, Manchester, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*William Dixey*, Bradwell-near-the-Sea, Essex, innkeeper, Jan. 2 at half-past 2, London.—*Ebenezer Lawrance*, East Barnet, Hertfordshire, builder, Jan. 2 at 12, London.—*Philip Slatter*, Woodstock and Kidlington, Oxfordshire, innkeeper, Jan. 2 at half-past 12, London.—*W. Ashton*, Loughborough-road, Brixton, builder, Jan. 3 at 11, London.—*Thomas Keating*, St. Paul's-churchyard, druggist, Jan. 1 at 12, London.—*D. Pratt*, Birmingham, thimble manufacturer, Jan. 10 at half-past 12, Birmingham.—*Edward Squire*, Kingston-upon-Hull, iron merchant, Jan. 9 at 12, Kingston-upon-Hull.

To be granted, unless an Appeal be duly entered.

*Wm. Jesse Waller*, Herbert-street, New North-road, print-seller.—*Peter Leicester*, Birch-lane, Cornhill, iron merchant.—*Samuel Mayer*, *Elijah Boulton*, and *Spencer Boulton*, Baptist Mills, Bristol; Nailsea, Somersetshire; and City-basin, Middlesex, potters.—*Thomas Williamson*, Truro, Cornwall, draper.—*John Winspeare*, Middleton, Stranton, Durham, shipbuilder.—*Thomas Younger* the elder, Sunderland, Durham, builder.—*Thomas Macbeth*, Fishergate in Preston, Lancashire, tailor.—*Samuel Lewin Walter*, Manchester, coal merchant.—*Samuel Bridge*, Manchester, builder.—*Jacob A. Jaques*, Liverpool, trader.—*George Stanton*, Birmingham, retail brewer.—*Isaiah Belcher*, Wolverhampton, Staffordshire, augur manufacturer.—*Henry Thomas*, Walsall, Staffordshire, saddler.—*Joseph Whitehouse*, West Bromwich, and *William Jeffries*, Compton, Kinvor, Staffordshire, ironmasters.—*T. Hewingsley*, Willenhall, Staffordshire, cut-nail manufacturer.—*George Hancock*, Fenton, Stoke-upon-Trent, Staffordshire, builder.

## PARTNERSHIP DISSOLVED.

*Henry Seymour Westmacott*, *Francis Blake*, and *Francis Wm. Blake*, John-street, Bedford-row, attorneys and solicitors, (so far as regards *Francis Blake*).

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X X



## GAZETTES.—FRIDAY, Dec. 14.

## BANKRUPTS.

**ROBERT BLORE**, Great Russell-street, Bloomsbury, picture dealer, Dec. 27 at 11, and Jan. 31 at 12, London: Off. Ass. Bell; Sol. Blyth, 10, St. Swithin's-lane.—Pet. f. Dec. 12.

**SAMUEL PROBY EKIN**, Godmanchester, Huntingdonshire, out of business, formerly of Cambridge, soda water manufacturer, Dec. 21 at 11, and Jan. 22 at 12, London: Off. Ass. Lee; Sols. Hunnybun, Huntingdon; Sewell & Co., Gresham-house, Old Broad-street.—Pet. f. Dec. 11.

**EDWIN VERDON BLYTH** and **WILLIAM HENRY GODDARD**, Birmingham, merchants, (trading under the firm of E. V. Blyth & Goddard, Brothers), Jan. 7 and 28 at half-past 10, Birmingham: Off. Ass. Christie; Sol. Reece, Birmingham.—Pet. d. Dec. 13.

**WILLIAM WATHEN**, Hereford, upholsterer, Dec. 29 and Jan. 19 at 11, Birmingham: Off. Ass. Bittleston; Sols. Bodenham & James, Hereford; Motteram & Knight, Birmingham.—Pet. d. Nov. 28.

**WILLIAM INSULL**, Dudley, Worcestershire, stationer, Dec. 26 and Jan. 16 at half-past 10, Birmingham: Off. Ass. Whitmore; Sols. Lowe, Dudley; E. & H. Wright, Birmingham.—Pet. d. Dec. 11.

**JAMES WHITTAKER** and **JOHN ELLISON**, Church, near Accrington, Lancashire, ironfounders, Jan. 8 and 28 at 12, Manchester: Off. Ass. Pott; Sols. Higson & Robinson, Manchester.—Pet. f. Dec. 10.

## MEETINGS.

*Henry Cox*, Reading, Berkshire, grocer, Jan. 3 at half-past 11, London, last ex.—*John Overbury*, Frederick-place, Old Jewry, woollen warehouseman, Dec. 29 at 11, London, aud. ac.—*William Williams*, Liverpool, tailor, Dec. 26 at 11, Liverpool, aud. ac.—*Thomas Parker*, Southport, Lancashire, hotel keeper, Dec. 24 at 11, Liverpool, aud. ac.—*Jonathan Ogden*, Liverpool, tailor, Dec. 24 at 11, Liverpool, aud. ac.—*Louis Ahlborn*, Liverpool, toy dealer, Dec. 24 at 11, Liverpool, aud. ac.—*Auguste Si vestre*, Argyll-street, Regent-street, importer of fancy goods, Jan. 8 at 1, London, div.—*Ann Elizabeth Hickman*, Cannon street-road, St. George's-in-the-East, and *Moses John Hickman*, Princes-place, St. George's-in-the-East, undertakers, Jan. 8 at 12, London, div. sep. est. of *M. J. Hickman*.—*William Paton*, Bread-street, City, warehouseman, Jan. 4 at 1, London, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Gustave Louis Longfils*, Pilgrim-street, Ludgate-hill, merchant, Jan. 4 at 12, London.—*John Vatas Simpson*, St. Swithin's-lane, London, and *Herne Bay*, Kent, billbroker, Jan. 4 at half-past 11, London.—*Chas. Merit Rigby*, Upper Stamford-street, Blackfriars, apothecary, Jan. 4 at 2, London.—*Joseph Thomas*, Catherine-street, Strand, and *White Hart-street*, Drury-lane, newspaper proprietor, Jan. 4 at 2, London.—*Wm. Rosburgh*, Liverpool, insurance broker, Jan. 4 at 11, Liverpool.—*John Granville Hopkinson*, Nottingham, beer-house keeper, Jan. 8 at half-past 12, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*David Halket*, Herne Bay, shipowner.—*Wm. Joyce*, Greenwich, engineer.—*Samuel King*, Buckland, Berkshire, wheelwright.—*Henry Andrews Simon*, Albion-road, Wandsworth-road, Surrey, boarding-house keeper.—*Frederick William Fawcett* and *William Parrott*, Lisle-street, Leicester-square, shoe manufacturers.—*Solomon Clegg* and *Jas. Fox*, Newcastle-upon-Tyne, woollen manufacturers.—*Andrew Dempster*, Liverpool, stonemason.—*Wm. Robinson Forster*, Rock Ferry, Cheshire, and Liverpool, ferry proprietors.—*Thomas Patter*, Sheffield, hosier.—*George Poyser*, Derby, shoe manufacturer.—*Edward Ashwell*, Gosherton, Lincolnshire, grocer.—*James Tomlinson*, Nottingham, timber merchant.

## PARTNERSHIP DISSOLVED.

*Wm. Gilmore Bolton*, *Samuel Benjamin Merriman*, and *Simon Dunning*, Austin-friars, attorneys and solicitors.

## PETITION ANNULLLED.

*Robert Peare Stephens*, Liverpool, shipowner.

## TUESDAY, Dec. 18.

## BANKRUPTS.

**SAMUEL BELCHER**, Lower Marsh, Lambeth, hatter, Jan. 1 at 1, and Jan. 29 at 12, London: Off. Ass. Edwards; Sol. Crafter, 168, Blackfriars-road, Southwark.—Pet. f. Dec. 17.

**WILLIAM COOPER**, formerly of Tulse-hill, Brixton, now of Nunhead, Peckham, builder, Dec. 24 and Feb. 6 at 11, London: Off. Ass. Nicholson; Sols. Minet & Smith, 3, New Broad-street.—Pet. f. Dec. 8.

**JEREMIAH CHALLENGER WOOSTER**, Long-lane, West Smithfield, fancy cabinet manufacturer, Dec. 29 at half-past 11, and Feb. 2 at 12, London: Off. Ass. Pennell; Sols. Venning & Co., 9, Tokenhouse-yard.—Pet. f. Dec. 13.

**WILLIAM PEARSE LILLICRAPP**, Davies-street, Berkeley-square, farrier, Dec. 29 at half-past 11, and Feb. 6 at 12, London: Off. Ass. Nicholson; Sols. Davies & Co., 17, Warwick-street, Regent-street.—Pet. f. Dec. 14.

**CHARLES ROBERT THOMPSON**, Winchester-house, Old Broad-street, London, and Southampton, wine merchant, (trading under the firm of C. R. Thompson & Co.), Jan. 2 at 2, and Jan. 29 at 1, London: Off. Ass. Stansfeld; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Pet. f. Dec. 13.

**ROBERT GEORGE WEBB**, Stafford, formerly of Birmingham, draper, Dec. 31 and Jan. 21 at half-past 10, Birmingham: Off. Ass. Bittleston; Sols. Pinehard & Shelton, Wolverhampton; Hodgson & Allen, Birmingham.—Pet. d. Dec. 14.

**JOSHUA JAMES PETTY**, Bilston, Staffordshire, grocer, Jan. 4 and 25 at 11, Birmingham: Off. Ass. Bittleston; Sols. Waterhouse, Bilston; James, Birmingham.—Pet. d. Dec. 10.

**THOMAS HENRY TAYLOR**, Birmingham, cabinet maker, Dec. 31 at half-past 10, and Jan. 21 at half-past 12, Birmingham: Off. Ass. Christie; Sols. Chaplin & Co., Birmingham.—Pet. d. Dec. 14.

**NICHOLAS ANDREWS** and **THOMAS ANDREWS**, Gateshead, Durham, ironmongers, Jan. 4 and 25 at half-past 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. T. & W. Chater, and Hoyle, Newcastle-upon-Tyne.—Pet. f. Dec. 5.

**FRANCIS BAKE WEBSTER**, Heckmondwike, Yorkshire, blanket manufacturer, Dec. 28 and Feb. 1 at 11, Leeds: Off. Ass. Young; Sols. Iveson, Heckmondwike; Bond & Barwick, Leeds.—Pet. d. Dec. 14.

**BENJAMIN HAINSWORTH**, Liverpool, common brewer, Jan. 7 and 21 at 11, Liverpool: Off. Ass. Morgan; Sols. Dibb & Co., Leeds; Frodham, Liverpool.—Pet. f. Dec. 14.

## MEETINGS.

*Thomas Adamson* and *Henry Hunter Bell*, Sanderland, carriers, Jan. 18 at 12, Newcastle-upon-Tyne, pr. d.—*J. Clarkson*, Strand, grocer, Jan. 10 at 2, London, last ex.—*George Hill*, Kentish-town, builder, Dec. 28 at half-past 1, London, last ex.—*Joseph Skinner*, Bouverie-street, Fleet-street, carpenter, Dec. 20 at 11, London, last ex.—*William Courtney*, Houndditch, wholesale clothier, Jan. 3 at 1, London, aud. ac.—*Charles H. Tugman* and *James E. Tugman*, Great Tower-street, provision merchants, Dec. 28 at 12, London, aud. ac.—*Joseph Miller*, Piccadilly, fishmonger, Dec. 20 at 12, London, aud. ac.—*Wm. Paton*, Broad-street, warehouseman, Dec. 28 at 12, London, aud. ac.—*James Young*, *Thomas Bracken*, *George Ballard*, *James C. C. Sutherland*, and *Nathaniel Alexander*, Calcutta, East Indies, merchants, Dec. 28 at 12, London, aud. ac.—*Thomas Allison Readwin*, Winchester-buildings, Great Winchester-st., dealer in shares, Dec. 28 at 12, London, aud. ac.—*Wm. Green* the younger, Higher Tranmere, Cheshire, brewer, Dec. 28 at 11, Liverpool, aud. ac.—*Moses H. Burrows* and *Grenlie Ruddock*, Wakefield, Yorkshire, worsted spinners, Dec. 28 at a quarter before 11, Leeds, aud. ac.—*Wm. Poole*, Kingston-upon-Hull, provision merchant, Jan. 9 at 12, Kingston-upon-Hull, aud. ac.; Jan. 16 at 12, div.—*Thomas Barrett*, Oxford, timber merchant, Jan. 11 at 11, London, div.—*William Henry Fleming*, Camberwell, brewer, Jan. 15 at 12, London, div.—*Thomas Salmon*, Kettering, Northamptonshire, ironmonger, Jan. 8 at 12, London, div.—*Richard Brevitt*, Coventry, ironmonger, Jan. 12, Birmingham, div.—*Samuel Boyle*, Fenton, Stoke-

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## THE JURIST.

LONDON, DECEMBER 22, 1855.

THE direction of Lord Campbell to the jury in the recent case of *Carlen and Another v. Ireland*, tried at Guildhall on the 13th inst., is alleged by some of our daily contemporaries\* to be at variance with the judgment of the Court of Exchequer, delivered by Parke, B., in *Bellamy v. Majoribanks*, (7 Exch. 389), and to have created considerable surprise and dissatisfaction in the minds of the mercantile community.

The plaintiffs had given to one of their clerks a

cheque for 48l. 17s. 11d., drawn on Messrs. Masterman, and crossed with the name of Messrs. Dixon & Co., to pay into their bank. The clerk was in the habit of dining at a table d'hôte held at a tavern kept by the defendant in Fetter-lane, and to which persons were admitted only by an introduction, which he had obtained, through a respectable person, and he had represented to the defendant that he was an attorney, in business for himself. Instead of paying the cheque into the bank, he took it to the defendant, and requested him to cash it for him, as it was crossed, and he had no banker through whom he could present it for payment. The defendant said he would pay the cheque in to his bankers, (Messrs. Gosling), and as soon as it was cashed he would give the clerk the money;

\* Vide the *Times*, "City Articles," Dec. 14 and 19, 1855.

and he afterwards paid him the amount, without any knowledge of the circumstances under which the cheque had been obtained. The clerk paid 15*l.* 4*s.* 1*d.* into Messrs. Dixon's on account of this cheque, and then absconded with the balance. The declaration in the action alleged that the cheque was the property of the plaintiffs, and had been converted by the defendant to his own use. The defendant pleaded that the cheque was not the property of the plaintiffs. For the plaintiffs *Bellamy v. Majoribanks* was cited, and it was contended, that upon the authority of the judgment delivered by Parke, B., in that case, the question for the jury would be, whether the defendant had exercised reasonable caution in cashing the cheque. But Lord Campbell, in summing up, directed the jury that the question for them was, not merely whether there had been a want of caution on the part of the defendant, for that would not be sufficient to disentitle him to the benefit of the cheque, but whether the defendant gave value for it, and took it bona fide, and without any knowledge that it had been fraudulently obtained by the clerk, or that he had no right to transfer it to him. The jury found for the defendant. It will be observed that the action was not against the banker, (the drawee of the cheque), but by a former owner of the cheque against a transferee by delivery. It is one of the essential ingredients of a cheque that it should be payable to *bearer* on demand; (55 Geo. 3, c. 184, sched., part 1); it passes, therefore, by delivery, like bills, notes, &c. payable to bearer; and to restrict the negotiability of the cheque in this respect would be to render the instrument no longer a cheque. (See *Bellamy v. Majoribanks*, 7 Exch. 401). And although formerly it was considered that the title of the transferee of a cheque, bill, or note payable to bearer would be affected by want of caution on his part, and that he would be liable in trover to the real owner if he were guilty of negligence in taking it, (*Snow v. Peacock*, 2 Car. & P. 221; *Gill v. Cubitt*, 3 B. & Cr. 466), yet it having been found essential to the free circulation of instruments payable to bearer, which circulate as money, and to the interests of trade and commerce, that the honest possession thereof, and the property therein, should be inseparable, it is now finally settled, that if a man takes *honestly* an instrument payable to bearer, he has a good title to it, and it is immaterial with what degree of negligence he may have acted, unless his negligence be so gross as to induce the jury to believe that he was guilty of fraud. (*Goodman v. Harvey*, 4 Ad. & El. 870; *Willis v. The Bank of England*, Id. 32; *Foster v. Pearson*, 1 C., M., & R. 855; *Collins v. Martin*, 1 B. & P. 681; *Ellier v. Rich*, 10 Ad. & El. 784). Such being the well-established law as regards cheques generally, it becomes necessary to consider what is the effect of the cheque being crossed; and with respect to this there appears to be a marked distinction between the position of the banker by whom the cheque is to be paid, and that of the transferee of the cheque. The law is clearly laid down in *Bellamy v. Majoribanks*, in which most of the principal London and many country bankers had been examined as to the custom with respect to crossed cheques, and the Court decided according to what they considered to be the great preponderance of the evidence given by the witnesses, that the crossing of a cheque with the name of

a banker, whether by the drawer or by any subsequent holder, does not in any way restrict the negotiability of the cheque, or render it necessary that it should be presented for payment by or through such banker, but is simply a memorandum giving notice to the banker on whom it is drawn that the party seeking payment thereof ought to present it through *some* banker; and that if the banker, (the drawee), notwithstanding this notice, pay the cheque otherwise than through a banker, and without making full inquiry into the title of the party presenting it, he does so at his peril, and it will be strong evidence of negligence in an action against him. In delivering the judgment, Parke, B., said, "We think that the great preponderance of the evidence on both sides tends to shew the custom to be that which is reported to have been stated by some of the jury in the case of *Stewart v. Lee*, (1 Moo. & M. 161), viz. 'that where a cheque is crossed, bankers generally refuse to pay it to any one except a banker; and if they do pay it to a person not a banker, they consider that they do it at their peril, in the event of the party to whom the payment is made not being entitled to receive it. That the object is to secure the payment, not to any particular banker, but to a *banker*, in order that it may be easily traced for whose use the money was received; and that it was not intended thereby at all to restrict the circulation or negotiability of the cheque, but merely to compel the holder to present it through a quarter of known respectability and credit.' We are strongly inclined to think, that, on a full inquiry, the usage will turn out to be no more than this; and considering the custom in this point of view, the crossing is a mere memorandum on the face of the cheque, and forms no part of the instrument itself, and in no way alters its effect. There can be no doubt that such an usage is highly beneficial to the public. These instruments are, in their essential character, payable to bearer; they are, in many respects, treated as bank notes, for which of late years they have been largely substituted; but like all other things, they are liable to be mislaid, or lost, or stolen, and may get into the hands of persons, who are not entitled to receive payment of them. It is manifestly, therefore, a great protection and safeguard to the real owner that there should exist the means of tracing and ascertaining for whose use the money paid on a cheque is received, and to whom the money actually goes; and the payment through a banker secures this object. . . . We think the crossing of a cheque is a protection and safeguard to the owner of the cheque; and that in the event of a banker paying a crossed cheque otherwise than through a banker, the circumstance of his so paying it would be strong evidence of negligence in an action against him. . . . We think there is no legal objection to the custom, if thus limited and understood, upon the ground of its being repugnant to the essential quality of a cheque, namely, its negotiability by delivery. There is no obligation upon any one to receive payment by a cheque, whether it be crossed or not crossed; but if a man receive a crossed cheque, he seems to us, not indeed to incur the obligation of presenting it for payment through a banker as a condition precedent, but he ought not to complain if the drawee does not pay without previous inquiry." Independent

dently, therefore, of the objection, that if a special crossing had the effect of rendering it no longer payable to *bearer*, but only to the banker named, it would destroy one of the essential ingredients of a banker's cheque, the above observations of the Court of Exchequer shew that the weight of the evidence given by the bankers examined on both sides was, that there is no material distinction between crossing a cheque with the name of a banker, and simply crossing it with the words "and Co.," the effect in either case being merely to give notice that the cheque should be presented through *some* banker. And this view of the custom is supported by the practice adopted by the bankers in *Bellamy v. Majoribanks* and in *Carlton v. Ireland*: in the former case, Messrs. Gosling presented and Messrs. Coutts paid Mr. Bellamy's cheque, though it had been previously crossed with the name of another bank; and in the latter, Messrs. Gosling presented and Messrs. Masterman paid the cheque, though it had been previously crossed with the name of Messrs. Dixon. The custom, so limited and understood, is founded on the practice of *bankers*, and applies only to the banker by whom the cheque is to be paid; it is notice to him not to pay except through a banker; but it does not affect a mere transferee of the cheque, like the defendant in *Carlton v. Ireland*. To hold that the crossing will affect a *bonâ fide* transferee of the cheque, and as against him raise a presumption of negligence in taking it, which will impugn his title thereto, would be, in fact, to restrict the negotiability and prevent the transfer of a crossed cheque; and the object of the custom, viz. to afford the means of tracing and ascertaining on whose account the cheque was presented, and by whom the money was received, appears to be sufficiently attained by merely requiring that the banker on whom it is drawn should not pay it except through a banker. Bankers, from the very nature of their business, are called upon, and their contract with their customers in fact obliges them, in the case of ordinary cheques, to pay them (in the absence of any circumstances of peculiar suspicion) to any person presenting them at the bank, and consequently to perfect strangers, with whose residence, business, or habits they are wholly unacquainted; and there would be therefore great difficulty, often amounting to an impossibility, where a cheque has fallen into dishonest hands, in tracing the party who received payment of it. The custom of crossing cheques enables the owner of the cheque to obviate this difficulty, and, by requiring the drawee of the cheque to pay it only through a banker, affords the means of ascertaining on whose account the payment was received, and, through that party, the person from whom he received it. Although bankers, from the nature of their business, are compelled to pay cheques to strangers, an ordinary person would not cash a cheque crossed or uncrossed for a perfect stranger; and if he did so, it would be in itself strong evidence that the transferee was *not a bonâ fide holder*. The effect of crossing a cheque, therefore, as the law now stands, is not to give to the owner absolute protection against a dishonest holder, but it gives almost the certainty of tracing and detecting him. On the other hand, to restrict the negotiability of crossed cheques, by holding that the taking of such a cheque amounts to negligence

in the transferee, which will or may deprive him of his title to the cheque, would be a serious inconvenience to a large body of the public, who now both give and receive crossed cheques, and enjoy all the security which the present custom of bankers affords. Many persons who have no banker now receive crossed cheques, and pay them to their tradesmen, or get them cashed by a friend; but who will take a crossed cheque if the fact of his so taking it is to taint his title to its proceeds? The decision in *Carlton v. Ireland*, therefore, appears to be in accordance with the law, and with the previous decision in *Bellamy v. Majoribanks*. If merchants and others in the habit of making large payments by means of crossed cheques wish for a greater security than they now possess, the most effectual and convenient course will be, to obtain from the Legislature an enactment, distinguishing between a simple crossing "and Co.," which should continue to afford the security which the present custom gives, without restricting the negotiability of the cheque, and a special crossing with the name of a particular banker, which might have given to it the effect of rendering the cheque payable to such banker only, without affecting its validity as a cheque, within the proviso in the schedule, part 1, of the 55 Geo. 3, c. 184.

#### LIABILITY OF EXECUTORS UNDER AN AGREEMENT TO TAKE A LEASE.

In the case of *Stephens v. Hotham* (1 Jur., N. S., part 1, p. 842) the testator had entered into an agreement for a building lease of copyhold land, and as the custom did not allow of leases beyond twenty-one years, a lease was taken for twenty-one years, with an agreement that the lessor should at the expiration of the term procure a license for a further lease to the builder, his executors, administrators, and assigns, and that the builder, his executors, administrators, and assigns, should accept such lease, and execute a counterpart of it. The builder entered into possession under the first lease, and died before the term expired, appointing the defendants his executors. The lessor procured a license to demise, and tendered a counterpart of the new lease to the defendants for them to execute, which they declined to do. On a bill for specific performance, Sir W. P. Wood, V. C., on the authority of *Phillips v. Everard*, (5 Sim. 102), but against the inclination of his own opinion, decreed specific performance and execution of the counterpart by the executors, observing that great care would be required in framing the lease so as to avoid fixing the defendants with a personal liability to pay the rents, &c., especially on the *reddendum*.

In *Phillips v. Everard* the plaintiff agreed with the defendant's testator to grant to the latter, on the expiration of an existing lease, a new lease, subject to the same covenants as were contained in the existing lease. Among those covenants was a covenant against assignment of the lease, not extending to the lessee's executors or administrators. The testator died before the time arrived for granting the new lease, and Sir L. Shadwell, V. C., decreed specific performance of the agreement, the form of the lease to be settled by the Master. Before the bill was filed the plaintiff offered to permit the covenants which were to be entered into by the executors to be so qualified as that they might be no further liable thereon than they would have been on the covenants which ought to have been entered into by their testator in case a proper lease had been made to him in his lifetime.

On the other hand, in *Worley v. Frampton*, (5 Hare, 560), which was cited in *Stephens v. Hotham*, and was the converse case of a bill filed by a lessee, against a

devises in trust of the reversion, for specific performance of a covenant to grant a renewed lease, with a covenant for further renewal, Sir J. Wigram, V. C., held that the trustees could not be required to enter into any covenant for renewal, even though qualified so as to render him and his representatives liable only to the extent of their beneficial interest, if any. It was admitted that the agreement gave a good equitable title to the renewal, without any further covenant. The same point had been decided by Sir J. Leach, V. C., in the case of *The Copper Mining Company v. Beach*, (13 Beav. 478; S. C., 1 L. J., O. S., 84).

The cases are in conflict. No doubt seems to have been entertained in any of them as to the possibility of qualifying the executor's covenants so as to prevent his incurring a greater liability than his testator's covenants would have imposed on him. In *Phillips v. Gerard*, as we are informed by the reporter, the parties agreed upon the form of the lease, and did not go before the Master. The object, which was to frame covenants that should be binding on the executors to the extent of the assets, and on the person for the time being entitled to the term, without binding the executors after parting with the term beyond the amount of the assets, seems to be attainable in the same way in which covenants for title by persons having and conveying partial interests in land are qualified, namely, by an express limitation of the covenantor's liability to the extent desired. Thus, if a tenant for life of one moiety of a piece of land joins in a conveyance of the fee, he covenants for and against the acts and defaults of himself and of those claiming under him, so far only as concerns the title, &c. to one moiety, during his own life. In the same manner it is conceived that an executor may covenant for payment of rent, &c., but so as not to render him, his heirs, executors, or administrators, personally liable in respect of any arrears of rent or breaches of covenant accrued or committed after he or they shall have assigned the term, beyond the value of the personal estate of the testator which shall have come to the hands or within the power of the executor, his executors or administrators, and for the time being shall not have been duly applied in or towards the discharge of any debts or obligations of the testator, over which, in the administration of such assets, the claims of the testator's covenantees would not be entitled to priority. If by executing a counterpart of a lease containing covenants so qualified an executor can discharge his testator's contract, and place the lessee and himself in a position substantially the same as that in which they would have stood if the counterpart had been executed by the testator, there seems to be no reason why he should not be compelled to do so.

### Reviews.

*Blackstone's Commentaries, systematically abridged, and adapted to the existing State of the Law and Constitution; with great Additions.* By SAMUEL WARREN, of the Inner Temple, Esq., D.C.L., F.R.S., Recorder of Hull, and one of her Majesty's Counsel. Post 8vo., pp. 888. [Mazewell, and Blackwoods.]

This work is at once a second edition of the Selections from Blackstone, by Mr. Warren and the late J. W. Smith, published in 1836, and a composition for Mr. Warren's long-promised edition of the entire Commentaries, now declared to be abandoned. Blackstone's work was never perfectly adapted to either of the purposes for which it was designed. As an institutional book for professional students, it was defective in many important branches of the law—for instance, contracts, and indeed mercantile law generally, and the doctrines

of equity; while, on the other hand, the divisions appropriated to the law of real property, and to civil procedure, were so incumbered with technical details as to be unreadable by those who merely sought for so much knowledge of English law as becomes an educated member of society. Mr. Warren, who has had the general reader in view during the preparation of the present work, has pruned away the conveyancing technicalities with perhaps almost too free a hand; but he has substituted information on a variety of subjects of more general interest, and has corrected Blackstone's historical and antiquarian chapters by the light which modern research has afforded. Two-thirds of the book, he informs us, consist of new matter. The whole is evidently the result of much honest labour, and will be very useful for educational purposes, and acceptable to non-professional readers in general.

*A Treatise on the Administration of Trust Funds under the Trustee Relief Act; with an Appendix, containing the Trustee Relief Act, the Act for the further Relief of Trustees, the General Orders, and Forms of Proceedings.* By JOHN DARLING, Esq., of the Inner Temple, Barrister-at-Law. 8vo., pp. 140.

[Stevens & Norton.]

A CAREFULLY prepared work on a subject of everyday practice. Mr. Darling appears to have collected all the authorities, (already amounting to about two hundred in number), and in stating them and the enactments, is always alive to the importance of extracting a principle. The heads of contents are:—Introduction: Nature and objects of the Trustee Relief Act.—Chap. I. The payment of trust funds into court. Sect. 1. To what description of trustees and trust funds the act is applicable. Sect. 2. Under what circumstances the trustees are authorised to pay trust funds into court. Sect. 3. How trustees must proceed in paying trust funds into court, and how far trustees are discharged by the payment of trust funds into court.—Chap. II. Payment of trust funds out of court. Sect. 1. Application for payment of trust funds out of court in ordinary cases. Sect. 2. Special circumstances incident to applications for payment of trust funds out of court in cases where pauper infant lunatics or married women are interested. Sect. 3. The practice respecting stop orders and charging orders.—Chap. III. Costs of proceedings under the act. Sect. 1. Costs of paying a trust fund into court. Sect. 2. Costs of applications for payment out of court of the capital of a trust fund. Sect. 3. Costs of applications for payment of the dividends of a trust fund.—Appendix: I. The act. II. The general orders. III. Forms of proceedings.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—The excellence, in almost all respects, of the scheme for the incorporation of the Inns of Court as a legal university, will, I doubt not, be very generally recognised by the Profession as well as by the public. I think, however, that it will be apparent, on careful consideration, that some minor details of the plan are less simple than they might be, and that some of the terminology employed in the report is not only inaccurate, but calculated to produce confusion.

Analogy would suggest, as the style of the intended corporation, "The Chancellor, Barristers, and Students of the University of Law," or "of the Legal University of London." The term "barristers" would, I apprehend, properly include all who have been called to the bar, and not subsequently deprived of the degree then conferred upon them.

The designation "Master of Laws" (though used of

late at Cambridge) is objectionable, inasmuch as it tends to the confusion of our ancient academic system. It seems to be very generally forgotten, that in accordance with that system there are two, and only two, degrees in each faculty—bachelors, and masters or doctors\*. The terms "master" and "doctor" denote the same thing; there is no difference whatever between them, unless it be that in the preliminary faculty, that of arts, the appellation used is, in ordinary acceptance, less dignified than that employed in the higher faculties. To have doctors and masters in the same faculty is an anomaly similar to that of having earls and counts in the same peerage, or, as somebody has observed with reference to the statute lately passed at Cambridge, to a Maria and a Mary in the same family.

It may be seriously doubted whether the introduction of degrees into our proposed legal university, other than the two ancient degrees in common law—barrister and serjeant, which are analogous to bachelor and doctor—would not be in itself a great anomaly. I believe it would. However this may be, the suggested designation of "Master of Laws" must, I think, be regarded as a most unhappy one. If any further degrees than those already used are to be introduced, those of Bachelor and Doctor of Laws would be the most appropriate; and they should, if introduced at all, be obtainable by the existing race of barristers on their attaining seven and ten years' standing, and performing certain exercises.

A word in conclusion. Would not the incorporation of a legal university be a suitable opportunity for the discontinuance of the frightful wig, and the substitution of the academic cap?

GREGORIUS.

#### LAW REFORM DRAMATISED.

THE Westminster play for the present year is "Phormio;" and on the 13th instant, being the second night of performance, the epilogue was given. It treats of law reform in this wise:—Hegio is discovered weeping over an urn, inscribed with the names of "John Doe and Richard Roe," (a tolerably old joke). Damipho, who has brought an action against Phormio for the recovery of the thirty mine, is disgusted to find that the defendant will be allowed to give evidence in his own cause. Chremes, henpecked more than ever by Nausistrata, laments the good old days, when wives could be beaten with impunity; and Dorio having been transported, has returned with a "remeatus tessera," i. e. a ticket of leave, on the strength of which he picks the pockets of his former acquaintances.

#### DEATH OF MR. JOHN COWLING, BARRISTER AT LAW.

THIS very eminent member of the common-law bar expired at half-past twelve o'clock on Wednesday night, the 12th instant, at his house in Albemarle-street. His death was utterly unexpected, and is attributed to some spasmodic affection of the heart. Though he had suffered a little during the last week from a bronchial affection, it had not interfered with his attendance in court during the last term, nor at chambers, till the evening of the day on which he died, and where he was engaged in his ordinary professional avocations till nearly six o'clock,

\* The rank of S. C. L., commonly regarded as an academic degree, is but an apparent exception to the rule. Though considered equal to the degree of B. A., it is not, properly speaking, a degree at all, but only a token that the person possessing it has been admitted to the study of the civil law. It is, in fact, very nearly analogous to the position of a student in an inn of court.

when he walked home. He was in his fifty-fourth year, and born in Lancashire; the only son, we believe, of a physician. He became Senior Wrangler in the year 1824, and was till his marriage a Fellow of St. John's College. He was a member of the Middle Temple, and called to the bar on the 9th November, 1827, and went the Northern Circuit, where he was universally respected. On the last vacancy in the representation of the University of Cambridge, Mr. Cowling, who in politics was a Conservative, announced himself as a candidate, and would undoubtedly have received powerful support, but he withdrew in a very handsome manner in favour of Mr. Wigram. Mr. Cowling stood in the highest rank of the common-law bar, and enjoyed a very large and lucrative practice. He was distinguished for his scientific and profound knowledge of the law, and the accuracy and logical ability with which he brought it to bear on every case in which he was engaged. He was of a remarkably shy and diffident temper, and characterised uniformly by simplicity of character and honour in both private and professional life. No member of the bar was listened to by the judges with more manifest respect than Mr. Cowling, and few have been more distinguished by the mastery of tact with which he detected the weakness of an opponent's case and vindicated his own. One of his latest arguments was at the close of the last term—the very important one of *Hilton v. Eckersley*, in error from the Queen's Bench, the question turning on the right of counter-combination by masters against their men, and which lies over for judgment till the next term. His argument was a masterly one. For the last few years he has been spoken of as likely to be raised to the bench, and no one's elevation would have secured a greater share of professional approbation.—*Times*.

#### INDIA.

(From the *Times*' Correspondent at Calcutta).

ONE great source of our present weakness and irresolution is now exciting considerable attention. We have no officers for new enterprises. The military and civil services are alike exhausted. . . . The civil service has diminished in practical strength, and Government is at its wits' end for men. All sorts of appointments are doubled up. Every European who has nothing to do obtains a post. Young men are placed in charge of the most important departments. The Director-General of the Post-office is barely thirty-six. The educational department has scarcely a man of thirty. Work after work is suspended, and still there are not sufficient men. The Governor-General, it is said, has recommended an extensive addition to all departments.

The *Friend of India* has recently published a statement which indicates the remarkable advance recently made in prison discipline in Bengal. It appears that the great difficulty, the costliness of imprisonment, has been removed. The largest gaol in the country already pays almost all its own expenses, and will speedily produce a surplus. The idea that prison labour ought never to come in competition with honest labour has been given up. The convicts weave gunny bags, make carpets, print, do all kinds of rough work, and in one place even bake bread. Surely this experiment might be tried in England. Convicts could make army clothing, even better than an association of tailors; and convicts are always clean. The Government is directing much of its attention to this question, and to the criminal law generally. The authority of the Sudder, or Court of Cassation, in criminal matters is found to be favourable to crime. The Court is apt to demand an amount of evidence which it is in this country impossible to procure, and invariably decides upon the narrowest

technicalities. It is therefore proposed to intrust the power of final decision, as in England, to the sessions' judges, assisted, I believe, by a jury. Punishment will then follow rapidly on the heels of the offence. At present a murderer may be under trial for six months, and under sentence of death for two. These reforms, however, wait for a movement in England. The amalgamation of the Supreme and Sudder Courts has been promised, and is ardently desired, but nothing has been done. . . . Calcutta has amused itself by voting a statue to Sir Laurence Peel, the retiring Chief Justice of Bengal. The act is curiously illustrative of the Indian metropolis. Sir Laurence Peel has been remarkable among us for his kindness of heart and boundless pecuniary charities. He has actually given away the whole of his official income of 8000*l.* a year. Moreover, he has been an admirable judge, a little too lenient, but on the whole well deserving his native nick-name, "Apokyopati"—one who has no side in his decisions. He leaves us in ill-health by this mail; and it was felt that to omit all expression of regret would be discreditable to Calcutta. Accordingly a great meeting was called, and it was proposed to vote him an address, and raise funds for a portrait. The meeting agreed, but Mr. Peterson proposed a statue.

### PUBLIC PROSECUTORS.

(Continued from p. 492).

*The Lord Advocate.*—In Scotland the whole system is uniform; the public prosecutor has the charge of the case from the time the first information is given down to the conviction; that is, through an organised staff of officers, of whom the Lord Advocate is the head; and in the Crown Office the whole proceedings are filed, and consequently at any time there can be a reference to the person who has the charge of the case. In England how does your Lordship propose that that should be done; because I think one important function of the public prosecutor is the fact that he is a person responsible in Parliament to the public for the whole proceedings which take place; that would require a very large organisation in England?—I think, before your Lordship came in, I mentioned that I considered that to be the very great difficulty in the case. In Scotland there is, as you know, a procurator fiscal in many districts and in many towns, independently of the counties; so that there is a local prosecutor everywhere. In England there ought to be something of the same arrangement; and that is a very great difficulty, no doubt. The plan which we thought of in 1834 was intended, at first, to have operated within the great district of the Central Criminal Court. It did not require an act, for the Treasury were to employ the different counsel; and our view was, that becoming wise by the experience which we should have had of a year or two, we might extend it a little further, till at last we could enlarge it so as to cover the whole country. In the resolutions which I moved in March before the House of Lords upon criminal procedure, and which are still there for discussion, the sixth and seventh relate to a public prosecutor; the sixth resolution is, "That the prosecution of offenders should be intrusted to an officer appointed by the Government, with such number of subordinate officers as may be required for conducting prosecutions in the counties and larger towns; but that until such a measure can be adopted," (this is with a view to the difficulty in question), "it is expedient to appoint barristers who shall advise upon and conduct the prosecutions in the Central Criminal Court and the courts of quarter session of Middlesex and Surrey," purposely to begin experimentally. Then the seventh resolution is, "That the public prosecutor should, in all the graver cases, as the pleas of the

Crown and forgery, proceed by bill before the grand jury, but in other cases should at his discretion be allowed to proceed upon commitment by a stipendiary magistrate, without any bill found." These, among other resolutions, are now under consideration in the House of Lords, and by the Government, they having, I will not say refused, but for the present declined to issue a commission to examine into the whole subject; because these eighteen resolutions extend over almost the whole of the criminal procedure. The Chancellor has pledged himself to bring in one or two bills, which are now in preparation, to carry into effect several of these resolutions; and I believe one, but which is not yet so matured that he has been able to give notice of it, will have reference to curing the defect with regard to a public prosecutor, to a certain extent. . . . I am always exceedingly slow to speak about foreign law and foreign practice, but I believe we are really the only country in which there is no public prosecutor. When I made my statement lately in the House of Lords I said that this was the case, unless in America they may have imported the English law in that respect as well as in others; but I believe there is very little doubt that they have a public prosecutor in America; I know in New York they have, for I have looked at the New York code; they have what is called the state attorney, county attorney, and the district attorney. In France no doubt they have a public prosecutor: everything is done by a public prosecutor.

In order to follow out the system fully would it not be necessary to have something like a department of public justice?—I am quite clearly of opinion, that not only in order to carry into effect this system, but that even if you never dreamt of touching the subject of a public prosecutor at all, there are a thousand other reasons why there ought to be a department of the ministry of justice. To take an instance of the want of such a department: it is hardly possible ever to sit in judgment in this country upon the construction of an act of Parliament, especially acts of recent date, without being astounded with the insufficient manner in which they are drawn. A considerable proportion of the business in courts of justice now arises from the mode in which acts of Parliament are framed; it is very much improved of late, since Mr. Coulson came into his present office; but still a single person will not suffice—there must be a board.

*Mr. Phillips.*—Before we quit the subject of the grand jury, in your Lordship's judgment to which error do you think the grand jury most prone, that of throwing out bills which they ought to find, or finding bills which they ought not?—My own personal and professional experience upon the subject is of very little value, for I practised very little in criminal courts; it was by mere accident that I ever went into the criminal courts while I was either upon circuit or in Westminster Hall; but I should say that it was rather by the escape of the guilty than by the trial or oppression of the innocent that the evil existed. . . . With respect to grand juries, I may mention that the difference between a public prosecutor and the grand jury system is very striking from the returns which we have, and the result of which I may be permitted to state. The number of commitments for England and Wales in the last year for which we have a return, namely, 1853, was 27,057. The number of persons tried was 25,585, there being 1472 discharged. Of those tried, 4793 were acquitted, including those against whom the grand jury threw out the bills; that is to say, the acquittals were between one-fifth and one-sixth of those tried. In Scotland, for the same year, the commitments were 3756, the persons tried 3139, and the acquittals only 279, or between one-eleventh and one-twelfth of the persons tried; so that the acquittals

were twice as numerous in England as in Scotland. I took the liberty of stating that as clearly shewing the difference between proceedings instituted and conducted by experienced, professional, responsible public men, and those conducted by private individuals. Not only is there this difference between England and Scotland, that is to say, between the result of proceedings under professional superintendence and those which are not so, but it varies exceedingly in the counties in England; it varies so much as this, that the average acquittals of the whole country being between one-fifth and one-sixth of the prisoners tried, the proportion in Somersetshire is one-third, in Hampshire and Buckinghamshire between one-third and one-fourth, in Sussex about one-fifth, in Wiltshire between one-sixth and one-seventh; so that in the different counties in England it varies in the proportion of two to one.

*Mr. W. Ewart.*—Does your Lordship recollect that many years ago Mr. Alison, in his *Criminal Practice of Scotland*, stated that at that time, in Scotland, the average of convictions to acquittals was as six to one, and in England as two to one, that being a confirmation of your statement?—Yes. With respect to grand juries, without intending at all to say that they ought not to be continued, it is impossible to deny that they are a very unsatisfactory body. In the first place, there is no challenge; you cannot tell who may be upon the grand jury; one or two of the very persons that ought not to be upon the grand jury may be upon it connected with the parties, either connected with the prosecutor, or connected with the person against whom the bill is to be preferred; politically connected, as friends or as antagonists. Then there is a great variety of qualification, I may say, in the grand jury; at least, there used to be, and I do not know whether it is not so still. Generally speaking, freehold qualification used not to be necessary for the grand jury; if it is now necessary generally over the country, it is of late years that that has been so. In Yorkshire it was necessary, but not in the rest of England. Then the practice in grand juries varies very much; the practice in different counties, I may say of my own knowledge, varies exceedingly as to the mode in which they resolve to proceed, the kind of evidence that will satisfy them, and the kind of evidence which they call before them. One very great variety, no doubt, existed in Ireland till the year 1816 or 1817, when it was found, that with the exception of one or two counties, the inveterate practice in every county in Ireland was never to see a witness—they never called a witness before them. That was discovered by Sir S. Romilly and Mr. Horner, and others of us in the House of Commons, by some mere accident; we asked, and found to our astonishment that it was so; that the practice was inveterate and universal in Ireland, with the exception of one or two counties, of only receiving the depositions before the magistrate, and then, without seeing a witness, proceeding to find the bill or to ignore it. The next year a bill was brought in by Mr. Horner, supported by Sir R. Peel, who was then Secretary for Ireland, which bill was passed; and I recollect, that through delicacy towards the judges and other official persons in Ireland it was not made declaratory, though it ought to have been; but it was made enacting, as if there were some little doubt existing as to whether it was utterly illegal, no lawyer either in Ireland or in England having the shadow of a doubt that the procedure was grossly illegal. And what was the consequence of that procedure? Sir S. Romilly produced a proof of the result of this variety in the practice of grand juries in Ireland. Instead of the acquittals being one-twelfth of those tried, as in Scotland, or one-sixth, as in England, the acquittals there were in the proportion of 15 to 16 of the persons tried; 192 were acquitted out of 206 who were tried. This was evidently owing to

the lax mode of proceeding, which is one of the evils, no doubt. That is an extreme case; but still there are great differences in England, it is not to be denied.

*Mr. Watson.*—Does not the large proportion of acquittals which take place out of the number of trials depend very much upon the laxity of committing magistrates?—It may; but a public prosecutor would remedy that.

*The Attorney-General.*—The public prosecutor would have to exercise his discretion upon the very same materials that the grand jury in Ireland had before the new practice was introduced, namely, upon reading the depositions; and inasmuch as the great value of all examination is rather when the witness comes to be put more or less to the torture, I take it, that so far as the grand jury are concerned, they having only to see that there is a *prima facie* case upon which the man is to be put on his trial, it is comparatively unimportant whether they see the witness, in order for him to make the same statement as is contained in the depositions, and to be subjected to no cross-examination at all?—I cannot help thinking that it is very important that the grand jury should see the witness; a single question addressed to the witness might put an end to the case at once. I will give a very remarkable instance of that in the case of a very excellent friend of mine; he was put upon his trial, and there was a trial before Lord Denman, which lasted twelve hours, for a conspiracy to carry a bill by bribery, in Mexico. The grand jury found a bill without the least hesitation, and the foreman of the grand jury, on coming into court, I understand from persons who were present, chuckled exceedingly when he presented a true bill against the first merchant in the world. If the grand jury had known what they were about, they would have put a question to the prosecutor, by means of which it would have been found that he owed the party charged 30,000*l.* or 40,000*l.*, and that this was in revenge because he would not forgive him that debt, and there would have been an end of the prosecution.

As the result of your very great experience at the bar, do not you believe that indictments for conspiracy, and for offences of an analogous character to conspiracy, are resorted to for the purpose of enforcing civil rights, or coercing people into doing what they cannot be obliged to do by means of civil procedure?—It is by no means rare. I was for two days once before Lord Tenterden for the defendants, in an indictment for perjury, which was evidently transferred from the Court of Chancery, where the bill was pending on the answer to which the perjury had been assigned, and we were trying at *Nisi Prius* a bill in equity, in fact.

Your Lordship must have known of that occurring very frequently?—Frequently, certainly.

Is it not most desirable that that class of cases should be subject to the control of a public prosecutor?—Certainly; I think it most important. Another case I might mention as shewing the errors committed by grand juries: it was before Alderson, B., I think, sitting at the Central Criminal Court; there was an indictment for forgery—the forgery of a will; and it turned out, when the case came before him, that there was no case whatever. The question was put, and it turned out that the grand jury had never taken the precaution of seeing the will, upon the forgery of which the indictment proceeded; they had never looked at the document alleged to be forged. There were two cases before the same judge (Alderson, B.) upon the Midland Circuit, of persons being kept in prison five or six months. There was a woman (one of the grossest cases that could be conceived) who was kept in prison five or six months, with all the contamination of a gaol, and all the wretchedness of her family, from whom she was taken away; and it turned out, the moment the case came to be looked at, that there was an end of it, and it was



hardly allowed to come into court. The other case was that of the daughter of a prisoner; there was an indictment for murder, or manslaughter, in killing her mother by starving her, and they had chosen to find a bill against a child of twelve or thirteen years old, as well as against her father, and the child was kept in prison the whole of that time as well as the father . . .

Where persons are put upon their trial, it is desirable, with a view to its operation upon the public mind, that only those cases should be tried in which convictions do take place, and would; it is an encouragement to persons who may have a tendency to commit crimes to find that there are acquittals, the merits of which they do not understand, and in which cases, therefore, they may be disposed to think that the parties have escaped by a lucky chance.—I think that is one of the evils of acquittals where there ought to be no acquittals, whether by defect in the law, or defect in the machinery of the law, or by carelessness.

Unnecessary prosecutions?—Unnecessary prosecutions, or negligent prosecutions. Acquittals are always most hurtful; because, as you have just suggested, they tend to the encouragement of offenders. I take for granted that the first thing which a person who is wickedly disposed does, when he is meditating the commission of an offence, is to look to the means of perpetrating it. The motive exists in his own mind; then the next thing he looks to is the chance of escape; and the first chance of escape he looks to, no doubt, is the chance of getting away, and not being seized, or not being found out, if it is a concealed offence. But the next thing he looks to is, no doubt, the chance of escape if he is arrested. He is, as all men are—wicked men among others—very sanguine in the estimate which he forms of his own chances, and he first expects to escape altogether bodily; he then thinks, "Well, but if the worst comes to the worst, I shall be caught; what chance have I then?" He then calculates the chance of escape; he takes that into his account; and all that train of thought passes through his mind in estimating whether it is worth his while to commit the offence or not, so far as it is a matter of calculation. It is, (and it goes much against many of the arguments used upon this subject), that a man is under the influence of violent passion, or of violent propensity, or of great fear and alarm about his solvency, and so forth, and that then his calculating powers are laid asleep, and that therefore, under the influence of those motives, he commits the offence. That is one of the reasons, among many others, which make one exceedingly anxious to look to prevention rather than to the effect of punishment—that is to say, prevention by good moral training, sometimes called education; but I call it good moral training, beginning with infant training; because I am afraid it is but a melancholy result which those practical administrators with whom one has discussed the subject have come to, that the effect of deterring by example is not great; certainly much less than the preventive effect of moral training.

*Mr. Phillimore.*—Your Lordship thinks that the appointment of public prosecutors would contribute much to the certainty of punishment?—Certainly.

And I suppose your Lordship agrees with almost all writers on jurisprudence, that the great secret to prevent crime is the certainty of punishment?—Yes, as far as deterring goes.

*The Lord Advocate.*—What do you think would be the effect of a public examination before magistrates and before coroners' inquests as an initial proceeding with a view to prosecution?—There are great inconveniences, no doubt, in the publicity of the examination; there is very great hardship to the party brought before the magistrate, in its publicity; there is very great annoyance and hardship to the witnesses and to the prosecutor,

who are brought before the magistrate, no doubt; but against all that, one cannot help setting the great advantage of the publicity of the proceeding, both preventing any malpractices by placing the magistrate, who is then the court, in the eye of the public, and also by the great benefit which arises with a view to police, from its tendency to discover evidence, and to enable the parties prosecuting to be put upon the traces to find witnesses; so that, upon the whole, I have no doubt whatever that the benefits exceed the disadvantages of a public examination.

Has it not a rather contrary effect in some instances, namely, of affording guilty parties the means of escape?—No doubt it may have that effect. I am talking of the balance.

*Mr. W. Ewart.*—Does your Lordship agree in the following view which is expressed in the Eighth Report of the Commissioners on Criminal Law, in the year 1845. Summing up the subject, they say, "The existing law is by no means so effectual as it ought to be; the duty of prosecution is usually irksome, inconvenient, and burthensome; the injured party would often rather forego the prosecution than incur expense of time, labour, and money. The intrusting the conduct of the prosecution to a private individual opens a wide door to bribery, collusion, and illegal compromises?"—Certainly, generally speaking, I should agree with that. . . . That is one great evil at present existing, which I hope will be remedied by some of those measures which the Chancellor says are now being framed upon the ground of my resolutions of March last. One great hardship to poor prisoners is, that they have no means of bringing their witnesses to the trial; and it has been suggested that they might have their witnesses allowed their expenses, upon their acquittal, after the trial. But, alas! they have no capital wherewith to bring the witnesses before the trial; and it is to bring them to the trial that they are wanted. Accordingly, one of my resolutions is, to give the power to the committing magistrates to say what witnesses shall at the public expense be brought to the trial.

Has your Lordship turned your attention to the French system on that part of the subject?—They allow all expenses. It would be a dangerous thing for us to give so large an allowance as that.

*The Attorney-General.*—Does your Lordship think that our present system is defective in this respect, that there is no one to see that the evidence is complete, so as to insure conviction where a conviction ought to take place, between the time of commitment and the time when the bill is found, and the trial takes place. A magistrate examines and sees upon the depositions what he thinks to be a case in which a trial ought to take place; he commits the individual, and he is sent to prison, and remains there till the time of the session or the assizes. The prosecutor, who is not a man cognisant of the law, comes to the assizes or the sessions, goes before the grand jury, and prefers a bill upon the depositions; but there is no one whose office it is to look, prior to that time, to see that the evidence upon which the magistrate committed is all the evidence which can be procured, or is, at all events, sufficient evidence to prove the case?—That, no doubt, is a great defect; and by the practice which I have mentioned, where the clerk of the peace makes it a rule in some of the counties always to employ the same counsel, and to have constant communication with him in the arrangement of the evidence, and finding out the evidence, the defect is to a certain degree remedied. The evidence is examined very fully, and the counsel says, "This will not do; you must get other evidence, otherwise we must not prefer a bill."

(To be continued).

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**JOHN JOYCE**, Bromley, Kent, baker, Jan. 2 at 2, and Jan. 29 at 12, London: Off. Ass. Graham; Sol. Matthews, 2, Arthur-street West, London-bridge.—Pet. f. Dec. 17.

**THOMAS MORRIS**, Murray-street, Hoxton New-town, straw hat manufacturer, Jan. 2 at half-past 2, and Jan. 30 at 1, London: Off. Ass. Stansfeld; Sols. J. & C. Robinson, 7, Queen-street-place, City.—Pet. f. Dec. 20.

**WILLIAM WIFFIN and FREDERICK WILLIAM KING**, Long-acre, card makers, (trading under the style or firm of Wiffin, King, & Co.), Dec. 31 at 11, and Jan. 31 at 1, London: Off. Ass. Johnson; Sol. Stopher, 52, Cheap-side.—Pet. f. Dec. 11.

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**SAMUEL HENRY RANFORD**, Lewisham Railway Station, Kent, livery-stable keeper, Jan. 1 at 2, and Jan. 29 at 12, London: Off. Ass. Lee; Sol. Chidley, 19, Gresham-street.—Pet. f. Dec. 18.

**JOHN HUGHES**, Shrewsbury, Shropshire, maltster, Jan. 5 and 25 at 11, Birmingham: Off. Ass. Whitmore; Sols. Turner, Wolverhampton; Motteram & Knight, Birmingham.—Pet. d. Dec. 17.

**WILLIAM THOMAS**, Bridgend, Glamorganshire, painter, Jan. 2 and Feb. 5 at 11, Bristol: Off. Ass. Acraman; Sols. Henderson & Co., Bristol.—Pet. f. Dec. 7.

**RICHARD LONGFORD**, Bath, lodging-house keeper, Jan. 7 and Feb. 5 at 11, Bristol: Off. Ass. Miller; Sol. Bevan, Bristol.—Pet. f. Dec. 20.

**LEOPOLD GEORGE FREDERICK MANKS and JOSEPH LINLEY**, Horsforth, Yorkshire, joiners, Jan. 7 at half-past 11, and Feb. 4 at 11, Leeds: Off. Ass. Hope; Sol. Tempest, Leeds.—Pet. d. Dec. 13.

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fields, dealer in ironmongery, Jan. 8 at 2, London, last ex.—**Thomas Purdy**, Great Yarmouth, wine merchant, Jan. 9 at 12, London, last ex.—**John Monk and Thos. Monk**, Princes-end, Tipton, Staffordshire, boiler makers, Jan. 2 at 11, Birmingham, last ex. of **Thomas Monk**.—**Joseph Miller**, Piccadilly, fishmonger, Jan. 4 (and not Dec. 20, as before advertised) at 12, London, aud. ac.—**Wm. Disey**, Bradwell-near-the-Sea, Essex, innkeeper, Jan. 9 at 12, London, aud. ac.—**John Thomas Archer**, Portobello-lane, Notting-hill, Bayswater, licensed victualler, Jan. 9 at 12, London, aud. ac.—**James Sterkey**, Old-street, St. Luke's, builder, Jan. 8 at 12, London, aud. ac.—**William Jolley**, Charing-cross, poultryer, Jan. 10 at 12, London, aud. ac.—**Stephen Stringer**, Nottingham-street, St. Marylebone, coach ironmonger, Jan. 8 at 1, London, aud. ac.—**Thomas Waller**, Petersfield, Hampshire, provision merchant, Jan. 10 at 2, London, aud. ac.—**T. Lewis**, Bath, builder, Jan. 31 at 11, Bristol, aud. ac.; Feb. 7 at 11, div.—**James Ogle Holmes**, Sunderland, and **Young Lawson Marshall**, Roker, Durham, timber merchants, Jan. 10 at 12, Newcastle-upon-Tyne, and ac. joint est.; at half-past 12, aud. ac. sep. est. of **James Ogle Holmes**.—**Richard Dunn** and **Richard Dacre Dunn**, Wakefield, corn factor, Jan. 22 at 11, Leeds, aud. ac. sep. ests.—**Joseph Simpson**, Leeds, painter, Jan. 22 at 11, Leeds, aud. ac. and div.—**Geo. Tidd**, Coddicote, Hertfordshire, corn dealer, Jan. 11 at half-past 11, London, div.—**James Churchyard**, Lothian-terrace, Cold-harbour-lane, Brixton, builder, Jan. 11 at 12, London, div.—**Wm. Hearn**, Stangate-wharf, Lambeth, carrier, Jan. 15 at 12, London, fin. div.—**Charles Henry Tugman** and **James Evans Tugman**, Great Tower-street, provision merchants, Jan. 11 at 1, London, div. sep. est. of **James Evans Tugman**.—**Samuel Seal**, Little Queen-street, Holborn, china dealer, Jan. 11 at half-past 11, London, div.—**Wm. Charles Goode**, High-st., Borough, warehouseman, Jan. 11 at 11, London, div.—**Thos. Leigh**, Wellingborough, Northamptonshire, wine merchant, Jan. 11 at half-past 11, London, div.—**Michael Jones**, Oxford-street, grocer, Jan. 11 at 1, London, div.—**George Edward Neal**, Pombury, Kent, innkeeper, Jan. 11 at half-past 1, London, div.—**Thomas Whitford Nichols**, York-road, Battersea, candle manufacturer, Jan. 11 at 1, London, div.—**G. Pyne**, Bristol, cordwainer, Jan. 17 at 11, Bristol, div.—**John Biddle**, Leicester, glove manufacturer, Jan. 15 at half-past 10, Nottingham, div.—**Henry Mantle Hitchcock**, Ilkeston, Derbyshire, miller, Jan. 15 at half-past 10, Nottingham, div.—**John Thornton** the elder and **Joseph Ridgway Thornton**, Godley and Hyde, Cheshire, cotton-waste dealers, Jan. 24 at 12, Manchester, div. sep. est. of **John Thornton** the elder.—**John Rushton**, Carlisle, plasterer, Jan. 17 at 12, Newcastle-upon-Tyne, div.—**Alfred Platts**, Sheffield, tailor, Jan. 12 at 10, Sheffield, div.

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LONDON, DECEMBER 29, 1855.

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A testator, after directing that in the first place all his just debts, funeral and testamentary expenses, should be paid, disposed of his personal estate, and then gave all his real estate to A. B. in fee. The testator was seized of real estates as a trustee, and the question was, whether the trust estates passed by the general devise.

The general principles applicable to cases of this description are well settled by authority. Since the decision of *Lord Braybrooke v. Inskip*, (8 Ves. 417), which has been followed by a train of similar decisions, it may be taken as clear, that a devise of all a testator's real estate will pass estates vested in him as a trustee, unless there be something in the will from which it may be inferred that he intended to deal only with what was his in equity, as well as at law. It is also well settled, that if the testator deal with the property comprised in the devise in a way in which he cannot deal, or ought not to deal, with property in which he has no beneficial interest, it will be inferred that he did not intend to include trust estates in the general devise. Thus, for instance, if he charges the devised property with his debts, or devises it in trust for sale, which charge and trust he cannot effectually impose on property of which he is only a trustee, the trust estates

will not pass. So, if he devises the property to uses in strict settlement—a proceeding which, though it would be effectual at law as to trust estates, would be a breach of his duty to his cestui que trust—the trust estates will be held not to pass under the general words.

Now, in the above case there can be no doubt that the introductory words of the will would operate as a charge of the testator's debts upon his real estate; and it might, therefore, seem that the case falls clearly within the principle of the cases in which a charge of debts has been held to exclude trust estates from a general devise.

It is apprehended, however, that this is by no means clear, and, indeed, that the contrary conclusion is better supported by principle. It should seem, that, to make a charge cut down the natural effect of the general devise, it must appear on the will that it is not less extensive than the devise; for the argument in favour of excluding the trust estates amounts to this—"Whatever is comprised in the general devise is subjected to a charge to which the testator had no power to subject what was not his own beneficial property; therefore it must be inferred that he did not intend the general words of devise to apply to estates which he could not so charge."

Now, on the construction of the will in question, does it appear that the charge was intended to apply to all the estates which the devise was intended to include? It is apprehended that it does not. The introductory clause does not, in terms, apply to real estate at all; its words, therefore, furnish no indication of intention either way as to trust estates, and the intention must be collected by looking, not to the terms, but to the substance of the clause—to the effect which

the Courts give to it. Now, if it were rendered so as to express in terms this effect, it would not run, "I charge all the real estate hereinafter devised," which, in a will not containing a residuary devise, would leave any undisposed-of real estates free from the charge of debts; nor would it run, "I charge all my real estates with" &c., which would be wide enough to include trust estates; but, "I charge all the real estate to which I am beneficially entitled with the payment of my debts, in aid of my personal estate." If the clause were worded in this way, it would be difficult to frame an argument in favour of its restricting the effect of a subsequent clause, which, apart from it, would pass trust estates; and it is apprehended that the general direction in question can have no other effect than if its substantial meaning were stated in express terms.

The case might be different if the introductory clause in terms charged all the testator's real estate, for it might then be contended that the general words must receive the same construction in the different parts of the will, and that as in the introductory clause they could be taken to include trust estates, they must receive an equally narrow construction in the subsequent general devise. This point, however, has not, it is believed, been the subject of judicial decision. It would be a strong argument in favour of the exclusion, that in such a case the charge and the devise were shewn to be co-extensive by the identity or similarity of the descriptions of their subjects.

In all the reported cases of exclusion which we have been able to discover, with the exception—if it be an exception—of *In re Horsfall*, which will presently be noticed more particularly, the charge and the devise were shewn to be co-extensive in another way, viz. by being incorporated together in one clause. Thus, in *Doe v. Reade*, (8 T. R. 118), treated by Lord Eldon in *Lord Braybrooke v. Inskip* as a leading case, the devise was, "and all the rest and residue of my ready money, &c., real and personal estate and effects, whatsoever and wheresoever, situate in &c., or elsewhere in the kingdom of England, after payment of my debts, legacies, and funeral expenses, I give, devise, and bequeath unto" &c. In *The Duke of Leeds v. Munday* (3 Ves. 348) the gift was of all the rest, residue, and remainder of the testator's estate and effects, subject to the payment of his debts and of an annuity of 30l., unto and to the use of A. B. In *Ex parte Morgan* (10 Ves. 101) the testator devised all his real estate to A. W., to hold to her, her heirs and assigns for ever, "subject nevertheless, and charged and chargeable with the payment of one clear annuity of 20l., to be issuing out of all and singular my said real estates." In *Doe v. Lightfoot* (8 M. & W. 553) the testator devised all his real and personal estates, after payment of his just debts and funeral expenses, to T. H. and E. C. H. as tenants in common in fee. In *Silvester v. Jarman* (10 Price, 78) the devise was followed by the words, "subject as aforesaid to the payment of my debts, legacies, and funeral expenses." In all these cases it was held that nothing passed of which the testator was not the beneficial owner. So, in *Rackham v. Siddall*, (16 Sim. 297), the testator devised all his real estates, whatsoever and wheresoever, unto and to the use of G. T., her heirs and assigns, charged with 50l. to his friend J. W.; and in this case the Vice-Chancel-

lor of England held that a trust estate did not pass, though it was not necessary to decide the point. (S. C., 1 Mac. & G. 607). And Sir J. Romilly, M. R., expressed the same opinion on the same will in *Hope v. Liddell*, (4 Weekly Rep. 145). In all these cases the devise and charge were combined in one sentence, in such a way as to lead, in some of the cases necessarily, in the others naturally, to the conclusion that they were meant to be co-extensive.

In the case now under consideration neither of the above reasons for considering the charge to be intended to extend to everything that passed by the devise exists; and supposing the point untouched by authority, it is apprehended that the better opinion is, that the trust estates would pass.

There is, however, one case which at first sight appears to be on all-fours with that now under discussion, and to be opposed to the view taken above. In the case of *In re Horsfall*, (M. C. l. & Y. 292), the testator, after directing the payment of his debts, funeral and testamentary expenses, specifically devised certain real estates; "and as to all the rest, residue, and remainder of and in all and singular the property, estate, and effects which he should be possessed of or entitled to, or over which he should have a disposing power at the time of his decease, of what nature or kind soever the same might be, he gave and bequeathed the same unto J. W. and W. P., upon the several trusts thereafter declared.\*" It was held that an estate vested in the testator as mortgagee did not pass by the general devise, the Lord Chief Baron merely saying that it was clear upon all the authorities that it did not.

Whatever this case may have decided, its authority is, it is submitted, materially diminished by the circumstance, that the decision was on an ex parte petition, the object of which was to get the estate out of an infant heir; and the Court, therefore, only heard an argument on one side, viz. in support of the proposition that the estate did not pass by the devise. It appears, however, to be very doubtful whether the case touches the present question at all. The report is evidently a very loose one. The note of the opening speech of counsel in support of the petition does not shew on what ground it was argued that the mortgaged estate did not pass, nor does the judgment give the reason why it was held that it did not. It will be observed that the residuary devise was to a trustee. Now, the purposes for which estates are devised to trustees are in general such as would of themselves be sufficient to exclude estates vested in the testator as a trustee from a general devise. It is probable that the trusts in that case were of such a nature, and that the decision turned upon that. The reporter seems to have felt some difficulty in ascertaining the grounds of the decision, for the marginal note states merely that under a general devise an estate vested in the testator as mortgagee was held not to pass. It is apprehended, that for these reasons the case of *In re Horsfall* cannot be considered conclusive on the point.

It is submitted, then, that upon principle the primary effect of the general words of devise cannot, in the case supposed, be cut down so as to exclude trust estates by reference to a distinct clause, which does not in words refer to real estate at all, and which, in substance, has no reference or applicability to trust estates; and that there is no authority binding a Court to come to the conclusion that this clause has such an effect.

\* The passage in inverted commas is taken verbatim from the report.



## Reviews.

*The Limited Liability Act, 1855, (18 & 19 Vict. c. 133), with Precedents of a Deed of Settlement for constituting a Company with Limited Liability under the Act, (or without Limited Liability under the 7 & 8 Vict. c. 110), and of a Deed of Alteration for enabling an existing Company to register with Limited Liability; and Notes on the Application of the Act, and on the Law relating to registered and other Joint-stock Companies. By THOMAS HENRY HADDAN, M. A., of the Inner Temple, Barrister-at-Law, Vinerian Law Fellow, and late Fellow of Exeter College, Oxford. Post 8vo., pp. 320. [Maxwell.]*

MR. HADDAN's plan is to take, first, the Limited Liability Act and then a precedent of a deed of settlement for text, and to subjoin to them notes on the statute and general law relating to joint-stock companies; his object being "to present not simply an edition of the new act, with precedents of deeds of settlement for companies registering under it, but also in the notes, as compendiously as possible, a summary or manual of the general law of joint-stock companies, and to apply that law to practice, by referring it to the different sections of the act of Parliament, and to the clauses of the deeds of settlement and alteration. The method thus followed has, of course, its disadvantages. Primarily and especially, it excludes the possibility of any regular division and classification of the subject; and that it has involved necessarily some repetition, and led possibly to some incompleteness of these and other defects, the editor is fully sensible. It has, however, it is hoped, some countervailing advantages, the principal of which, perhaps, is, that it brings the different principles and decisions which bear upon any case occurring in practice in immediate juxtaposition with and application to it." There are, we think, both logical and, so to speak, physical objections to the indiscriminate adoption of this plan, which are exemplified in the work before us. Many subjects may be advantageously treated in the way suggested, but the Limited Liability Act does not seem to be one of them. That act is founded on and takes for granted the constitution of a joint-stock company either under the provisions of the Registration Act or according to parliamentary usages, and, treating the company as an organised whole, proceeds to alter its constitution in one or two particulars. The case is much the same as when Nature, having created a tadpole, sets about changing it into a frog. Blumenbach, lecturing on the metamorphosis, would not overlay his subject with dissertations on reptile physiology in general, the skeleton and muscles, the nervous, digestive, respiratory, and circulating systems, given out by way of comment on this or that channel between the branchial and pulmonary vessels, but would confine himself to the differences, and either assume in his hearers a competent knowledge of the general subject, or give them that knowledge systematically in an introductory course. A registered joint-stock company is a highly artificial organism, created upon a consistent plan by a single act of Parliament, and cannot be advantageously studied otherwise than as a whole, and systematically. The physical inconvenience resulting from Mr. Haddan's plan is this, that the Limited Liability Act, occupying in the octavo statutes five pages, is absolutely lost among the mass of annotations, with their sub-notes, which are devoted to a statement of the various provisions contained in the thirty-five pages of the Registration Acts, and of the numerous decisions on them. On the other hand, the plan shews to advantage in its application to the precedent of a deed of settlement,

where the various brief allusions to the enactments and decisions come in exactly where they are wanted, as notes to the clauses which they illustrate.

The work displays considerable learning and ability, and is evidently the result of careful research and consideration applied to every part of the subject, except that of the policy of the measure. In a "Preface on 'the Policy of the Act,'" Mr. Haddan "disclaims at once 'all idea of attempting any such critical examination of 'the merits or probable operation of the change of law 'now in question,' on the ground of want of 'leisure 'and materials,' but proceeds forthwith to defend the policy of the act. We do not understand how the Preface can be reconciled with the disclaimer it contains; but we take him at his word in believing that he has given little attention to the subject, and can only regret that he should inconsiderately have thrown the weight of his respectable name into either scale of so important a balance. As might be expected, Mr. Haddan repeats the commonplaces—that the principle of limited liability is not new in our own law; that it would be hard if a man could not limit the authority of his partner or agent to bind him; and that no creditor can complain, since he must always know the conditions of his bargain; and infers from them that the English rule of ordinary partnership liability is merely arbitrary, concluding with this startling assertion—"In no other system of jurisprudence, it is believed, 'does such a rule exist. In the French law, in the 'Scottish law, even in the laws of many of the States 'of America—which are, in effect, only the English 'law modified—and, finally, in the Roman civil law, 'the rule is different. In none does it imply liability 'in solido to the full extent of the property of every 'partner.'" We have arrived, after some investigation, at a contrary conclusion, and assert, with some confidence, that in France, Scotland, and the States of America the rule is, and always has been, the same as in England, viz. that in ordinary partnerships each partner is bound in solido by every partnership contract; the exceptions in each of those countries being matter of special and arbitrary enactment. As to the Roman law, the question of the liability of ordinary trade partners is involved in great obscurity; although Dr. Story, with his usual rashness, asserts that there was no liability in solido, on the authority of a passage in the Digest, to the effect that if A. promises to pay 100*l.* to B. and C., the latter can only claim 50*l.* each; and, conversely, if A. and B. promise to pay 100*l.* to C., A. and B. are only liable severally for 50*l.* Mr. Haddan's further citation from the Institutes merely shews that a stipulation throwing the whole burthen of the losses on one of several partners was valid *inter se*. Mr. Haddan passes by the great questions, whether or not, in supplying the parts of a contract which are not expressed, the law should have regard to and favour in its implications those conditions which are least conducive to the general interest, and whether or not it is expedient that the law should contrive machinery to facilitate a course of trading in which the usual stimulus to vigilance and honesty does not exist.

*The Limited Liability Act, 1855, and the Acts for the Registration, Incorporation, and Regulation of Joint-stock Companies, under which Companies with Limited Liability are to be formed; with an Introduction, Notes, Forms, and Index. By GEORGE SWEET, Esq., of the Inner Temple, Barrister-at-Law. 8vo., pp. 287. [H. Sweet; Stevens & Norton.]*

THE following is the plan of Mr. Sweet's book:—In the Introduction he considers the liability of ordinary partners, the characteristics of joint-stock companies in general, and of registered joint-stock companies in par-

ticular, and then shews how they are affected by the provisions of the Limited Liability Act. The stats. 7 & 8 Vict. c. 110; 10 & 11 Vict. c. 78; and 18 & 19 Vict. c. 133, are set forth at length (with foot-notes) in the body of the work. The Appendix contains the deed of settlement of a joint-stock company to be completely registered with limited liability, together with variations where the liability of the shareholders is not to be limited; an abstract of, and schedule to, the deed; a supplementary deed for enabling a registered company to obtain a certificate of limited liability; the declaration of payment of twenty per cent. on three-fourths of the capital of a company seeking limited liability; a petition to the Board of Trade for a license to hold lands, and the license thereupon granted. The work concludes with observations on the rule for ascertaining the debtor in mercantile transactions.

Mr. Sweet objects to the principle of limited liability, as applied, or attempted to be applied, by the recent statute, upon the ground that it will encourage reckless and fraudulent speculation, to the prejudice of honest, skilful, and industrious members of the community. He asserts a liability for debts to be a logical consequence of sharing profits; that our common law does not contain any special provision for the liability of partners in trade; and that what is often spoken of as a prohibition of partnerships with limited liability to creditors does not exist as a prohibition or restriction in law at all, it being nothing more than "a rule of evidence for ascertaining the real debtor, and a rule which solves the problem in the way most satisfactory to common sense."

With regard to the laissez-faire principle, somewhat inconsistently relied upon by the advocates of the new measure, Mr. Sweet shews that the law is guiltless of interference in the matter of partnership liability; but if it were not, that Government does and ought to interfere in many instances of private contract, e.g. with innkeepers and carriers, and in cases of duress and fraud. "What is called the principle of non-interference," he says, "when correctly stated, amounts to no more than this—that unnecessary and mischievous interference with the free agency of subjects is the besetting sin of governments, and should always be held in fear when the propriety of a particular interference is under discussion." He discusses the real meaning and effect of the condition involved in the notion of trading with limited liability, and points out the working difficulties with which it is inseparably connected. He is of opinion that profits are the reward of mercantile skill and labour; that the idle capitalist has no right to them, and should be content to circulate his capital through the channels of the public securities and mortgages; and quotes an extract from Master Tinney's excellent communication to the Mercantile Law Commissioners, containing (inter alia) these words—"I do not doubt that there are undertakings, chiefly (or entirely, I believe) of a public and of a lasting kind, which can be best or only effectually carried on by means of joint-stock companies, but I am not satisfied that any of them require or should receive the aid of limited liability."

With regard to the mode by which this alteration in the law of partnership liability is sought to be carried out, Mr. Sweet says in his Preface—"The act is worthy of its antecedents. Its operation is limited, for no intelligible reason, to joint-stock companies, which do not carry on the business of insurance—which do not divide their capital into shares of less than 10*l.*—which have not been established by charter, (admitting those which have been established by act of Parliament). It professes to provide for the admission to the benefit of the act, of companies dividing their capital into shares of less than 10*l.*, on three-fourths of the shareholders agreeing to make a change, which,

'when agreed to, cannot be effected if a single shareholder dissents from it. It carefully provides that the companies established with limited liability shall be liable to be wound up under three winding-up acts, of which one will not work and is obsolete, and the other two are exclusively applicable to the relief of shareholders with unlimited liability. It professes to require that every limited company shall have a constituency of at least twenty-five members, while it allows twenty-two of these members to retire with impunity immediately after the formation of the company. It professes to make the members liable to creditors to the amount of their unpaid subscriptions, while it allows them at any moment to escape that liability by transferring their shares to a pauper; and it abounds with provisions which have all the characteristics of an Irish bull, except its sprightliness. Thus it provides, that a company with limited liability shall not make proposals for an increase of its capital until it has registered its intention to do so; and shall not register such intention until the proposals have been made, and the increase subscribed for and paid up to the extent of twenty per cent. on three-fourths of the amount."

### PROSPECTUS OF THE LECTURES

*To be delivered during the ensuing Hilary Educational Term by the several Readers appointed by the Inns of Court.*

#### CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Public Lectures to be delivered by the Reader on Constitutional Law and Legal History will comprise the following subjects:—

Conclusion of the Series of Rules for the Interpretation of Laws and Contracts—View of the Reign of Elizabeth—Condition of Religious Parties at the Accession of James I—Privileges of the House of Commons—Character and Result of Political Struggles during his Reign—Courts of Star Chamber and High Commission—Influence of the Church—Attempts to make it independent of State Control—Conduct of the Judges during the Reigns of the Stuarts—Changes in the Tenure of Property—Changes in the Value of Personal Property, as indicated by the Statute Book—Changes in the Condition of the Labouring Class—Impeachments of Baron, Middlesex, and Danby—Attainder of Lord Strafford—Character and Progress of English Jurisprudence.

In his Private Lectures the Reader, after he has reached the termination of the Seven Years' War, will return to the Reign of Henry VII.

Books:—Pothier's Pandects, chapter "De Regulis Juris"—Dornat, vol. 1.—Millar's View of the English Constitution—Hallam's chapters on the Reign of the Tudor and Stuart Kings—Parliamentary History of the Period—Rapin's History of the Period—Clarendon's History and May's History—The State Trials of the Period.

The Reader on Constitutional Law and Legal History will deliver his Public Lectures at Lincoln's Inn Hall on Wednesday in each week, (the first Lecture to be delivered on the 16th January, 1886), commencing at two p.m. The Reader will receive his Private Classes on Tuesday, Thursday, and Saturday mornings, at half-past nine o'clock, in the Benchers' Reading-room at Lincoln's Inn Hall.

#### EQUITY.

The Reader on Equity proposes to deliver, during the ensuing Educational Term, Nine Lectures on the following subjects:—

- I. The General Principles and Maxims of Equity.
- II. The Nature of Uses and Trusts.

- III. The Doctrine of Notice.
- IV. The Registration of Deeds affecting Land.
- V. The Rights and Liabilities of Mortgagor and Mortgagee.

The Reader will continue with his Senior and Junior Classes the general course of Equity already commenced, using, as before, Smith's Manual of Equity Jurisprudence as a text-book. He will also, in the Senior Class, explain the Leading Rules of Pleading in Equity from the work of Lord Redesdale.

The Reader on Equity will deliver his Public Lectures at Lincoln's Inn Hall on Thursday in each week during the Educational Term, commencing at two o'clock p.m.; the first Lecture to be delivered on the 17th January, 1856. The Reader will receive his Private Classes on Monday, Wednesday, and Friday evenings, from seven to nine o'clock, in the Benchers' Reading-room at Lincoln's Inn Hall.

#### LAW OF REAL PROPERTY, &c.

The Reader on the Law of Real Property, &c. proposes to deliver, in the ensuing Educational Term, a course of Nine Public Lectures on the following subjects:—

- I. Estates upon Condition.
- II. Limitation by Way of Cross Remainder.
- III. Powers of Sale: their Creation, Exercise, and Transmissibility.
- IV. The Liability of Purchasers to see to the Application of their Purchase Money.

The Lectures to be delivered to the Private Classes will comprise the following subjects:—With the Senior Class the General Rules applicable to the Construction of Deeds and Wills will be discussed. With the Junior Class, the Operation of the Rule in *Shelley's case*, and the Elementary Principles of the Learning on Powers, with the text of the first volume of Sugden on Powers, will form the subjects of the Lectures.

The Public Lectures will be delivered at Gray's Inn Hall on Friday in each week, at two p.m.; the first Lecture to be delivered on the 18th January, 1856. The Private Classes will be held in the North Library of Gray's Inn on Monday, Wednesday, and Friday mornings, from a quarter to twelve to a quarter to two o'clock.

#### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law proposes, in the ensuing Educational Term, to deliver a course of Nine Public Lectures on the following subjects:—

- I. The Analysis of Law, and of the Conceptions immediately dependent on it.
- II. The Law of Persons or Status: its departments and sub-departments, and their connexion with each other.
- III. The Law of Things: its relation to the Law of Persons, and the connexion of its several departments.
- IV. Actions and Civil Process.
- V. The Law of Testamentary Succession—Ancient theories of succession, and the principles descended from them to modern jurisprudence.
- VI. The Position of Women in Roman Law, as respects personal and proprietary rights.

The Private Classes will proceed regularly through the Principal Departments of Roman Law, beginning with the Law of Things. The text-book principally used will be the *Institutiones Juris Romani Privati* of Warnkönig. On certain days the Class will read the Last Two and other selected Titles of the Digest. Copies of the entire Corpus Juris will be provided in the Lecture-room.

The Public Lectures will be delivered in the Hall of the Middle Temple on Tuesday in each week, at two p.m.; the first Lecture of the course on Tuesday, the 15th January, 1856.

The Private Classes will assemble at the Class-room in Garden-court on Tuesday, Thursday, and Saturday evenings, the Junior Class at a quarter to four p.m., and the Senior at half-past six p.m. The first Private Class will be held on Thursday, the 17th January, 1856. All gentlemen desirous of joining either Class are desired to meet the Reader on that day in the Class-room at a quarter to four.

#### COMMON LAW.

The Reader on Common Law proposes to deliver, during the Educational Term, commencing on the 11th January, 1856, Nine Public Lectures on Mercantile Law, and on Rules of Evidence applicable in Mercantile Transactions. These Lectures will principally treat of—

- I. The Rise and Progress of Mercantile Law in this country, considered more particularly in connexion with some leading Decisions of Lord Mansfield.
- II. Our Legislative Policy in regard to Mercantile Transactions traced out by reference to the Statute Book.

III. The actual State of our Law Merchant. Points wherein it differs from other existing systems of Mercantile Law.

IV. The most recent important decisions bearing upon the *Lex Mercatoria* generally, and Mercantile Instruments in particular.

With his Private Class the Reader on Common Law will for the most part pursue the ground indicated in the above Prospectus; directing attention more especially, however, to the existing State of the Law Merchant in its various branches and subdivisions.

The books to be used with the Private Class will be—Smith's *Mercantile Law* by Dowdeswell; Byles on *Bills of Exchange*, (6th ed.); Story on *Agency*, (4th ed.); and Evans's *Decisions of Lord Mansfield*.

The Public Lecture on Monday in each week, at two p.m.; the first Lecture to be delivered on the 21st January, 1856.

The Private Class on Tuesday, Thursday, and Saturday mornings, from a quarter to twelve to a quarter to two o'clock.

By Order of the Council,

(Signed) FRS. WHITMARSH,

Chairman pro tem.

Council Chamber, Lincoln's Inn, Dec. 20, 1855.

*Note.*—The Educational Term commences on the 11th January, and ends on the 30th March, 1856.

The first Meeting of each Private Class will take place on the usual morning or evening of meeting next after the first Public Lecture on the same subject.

#### WESTMINSTER PLAY.

##### EPILOGUS IN PHORMIONEM.

SCENE—The Temple. In the centre of the court, a pedestal and cinerary urn to the memory of the deceased legal functionaries, "JOHN DOE and RICHARD ROE."

[Enter HEGIO, a disconsolate Barrister of a poetical turn. He addresses the Monument.]

HEGIO.

Fortunati ambo, si quid mea nenia possit,

Non vos e fastis eximet ulla dies!

Litis amatores, eternæ pignora rixæ,

Causidicis columen, fonsque perennis opum:—

Queis spondentibus Aeneas Sidonia Dido,

Mulctasses nummis, tu, Menelae, Parin;

"Trojaque nunc stares, Priamique arx alta maneres,"

Carthago et Libycis imperitaret aquis:

Aut si non alii pugnarent, conseruistis

Lite manum propria, hic actor et ille reus.

Omnia mutantur:—Sit terra levissima vobis—

[Enter CRATINUS, reading a brief.]

CRATINUS.

"Demipho et e contra Phormio—quinque minæ:"  
Sed quis? ehem! tun' hic, doctissime amice? quid  
istuc

Ornati est? Tun' hic carmina mæsta canis?  
Hem! miror quod tu hisce gemellis rite parentans  
Ricardo atque Johanni exequias celebres.  
Heu! miserande Charon, nautum prius exige, quàm te  
Emungant Britonum Nisus et Euryalus,  
Vana duo simulacra, oculis incognita nostris:—  
HEGIO.

Paulùm oculis forsan nota, sed haud loculis.

[Enter DEMIPHO, with CRITO as his second counsel, and  
PHORMIO, his antagonist in the cause, following.]

CRATINUS.

Quin tu adsis animo—ecce cliens mihi Demipho, contra  
Phormio, cui, si vis, tute patronus eris.

DEMIPHO.

Hem! tibi quis, parasite, patronus? Visne patronum?  
[HEGIO aside to PHORMIO.]

PHORMIO to DEMIPHO.

Hegio—

[HEGIO, examining the letter of instructions PHOR-  
MIO has just placed in his hands.]

— numquid honorarium inest? Nihil est.

DEMIPHO to PHORMIO.

Quis tibi testis adest? (PHO.) Testis? quid somnia  
narras—

Non mihi teste opus est—sum mihi testis ego.

Omnia mutantur: proprias res ordine certo  
Coram iudicibus pandere cuique datur.

DEMIPHO.

Hegio, an hoc verum est? (HEG.) Verum. (DEM.)  
Veruppne, Cratine?

CRATINUS.

Non verum. (DEM.) Quid ais tu, Crito? (CRI.)  
Res dubia est.

DEMIPHO.

Hem! probè—at, at, ni prospiciam mihi, lubrica res est;  
Nil non jurabit Phormio, ut est nebulo!

Heus! potius lites quam secter, iudice nullo,  
Quindenæ (æquom est), Phormio, redde minas.

PHORMIO.

Ex nihilo nil fit—non vos mihi ludificavi—

DEMIPHO.

Quàm vellem corium ludificare tuum!

PHORMIO.

Psaltriam habere potes quam forsan Phædria cedit;  
Dorio habet nummos—Dorio fac veniat.

HEGIO.

Damnatus furti, nullâ mercede, metalla  
Effodit Australi Dorio vinctus agro—

DEMIPHO.

Dorio in exilium! (HEGIO.) Nil sacrilego nebuloni  
Profuit eloquium consiliumque meum.

[Enter CHREMES agitated from his own house.]

DEMIPHO.

Opportunus ades, frater; te quærimus ipsum;—

CHREMES.

Atqui plus opus te mihi, teque, Crito:

Omnia conturbat Nausistrata; mente repostum  
Lemniacum crimen nocte dieque manet.

Nostra domus Lemni minus est habitabilis antris—  
Tu sequeris lites, frater; ego fugio.

Plurimus accumbit mensis conviva, meisque  
Est epulis totâ lautius urbe nihil;

At cuius sumptu fiunt hæc cuncta, marito  
Est soli vetitum participare dapes.

Interea obtundens fidibus citharistria raucis  
Aures, mane, die, vespere, nocte, sonat.

Forsthan hanc emeret leno, si promptus adesset,  
Quindenæque mihi redderet usque minas.

Dicite, causidici, misero quid conjuge fiet?

Nullane tam magnis est medicina malis?

CRITO.

Omnia mutantur: sordet sapientia avorum,  
Atque hodie in pejus cuncta relapsa ruunt.  
Lex olim, ne quid caperet Respublica damni,  
Uxorem modico plectere fuste dedit;

Hæc sed lege viro in sponsam est concessa potestas,

Ne gravior proprio pollice virga foret;

Sed ni forte velis artem exorcere molendi,

Non tangenda hodie est femina, quicquid agat.

Omnia mutantur; non vapulat amplius uxor—

CHREMES.

Verbera sed misero dat truculenta viro;

Mane "Chremedilecte" vocor—post prandia "Stilpho"—

Mane rogat nummos—vespere dilapidat.

Ah! simul ac Stilpho vocor, actum est—et mihi restat

Nil nisi præcipiti vertere terga fugâ.

Dicite, nonne licet tantillas sumere pœnas?

CRITO.

Ah! perquam dubium est—experiare licet—

[Enter NAUSISTRATA, with a whip.]

NAUSISTRATA.

Stilpho, inquam, Stilpho! (PHO. to CHR.) Fac, si  
vis scire, perfelum!

NAUSISTRATA.

Quid facis hîc? (PHO.) Quid agat? dicam ego.

(CHR.) Quin taceas.

CHREMES to NAUSISTRATA.

Hem! collaudabam me, fortunasque meas, cui

Uxor tam juvenis tamque venusta foret.

PHORMIO.

Laudabatque tuas patinas, opsonia. (CHR.) Quæ tu  
Hæc, si vis, poteris nocte probare—silent.

[NAUSISTRATA proves herself the better half, and drives  
her lord off the stage. Meanwhile, in the background,  
DORIO, a returned "ticket-of-leave" convict, has been  
renewing his old practices by easing the young lawyers  
and other loungers in the court of their handkerchiefs  
and snuff-boxes.—GETA, a policeman, on the watch.]

DEMIPHO.

Perditur intereâ argentum—si Dorio adesset—

Sed quem? certe idem est: Dorio, tune redux?

DORIO.

Me patriæ reddit "remeatus tessera"—[producing his  
ticket of leave.]

(GETA). Quid sit

Scire velis? Furum plurima sunt genera—

"Sunt bona, sunt quedam mediocria, sunt mala plura,"

Pessimus at mos est omnibus unus—edunt.

Ergo ne nimio pereat respublica sumptu,

Quos delictorum pœnituisse liquet,

Hos revocat patria, ut, purgato crimine, rectâ

Insistant iterum furque latroque viâ.

Hos sed adhuc pascit populus, solvitque tributa,

Indirecta licet sint, onerosa satis.

DORIO.

Confiteor cum non "recte" ditescere possem,

Me "quocunque modo" rem meruisse meam;

Meque mei "memores alios fecisse merendo,"

Et socium sceleris sæpe habuisse Getam;

Sed nunc factorum me pœnitet ante malorum,

Pœnitet et sceleris, pœnitet atque Getæ.

Non, ut vos captem, loquor hæc, mihi credite; multis

Furtivum ingenium irons speciosa tegit.

Est redditus mihi nempe licentia sumpta pudenter—

[DORIO here picks DEMIPHO's pocket—GETA seizes him.]

GETA.

Ah! scelus hæc etiam sumpta pudenter erant:

En! sudaria Sætaba, Serica—[pulling the purloined arti-  
cles from his pocket.]

HEGIO to DORIO.

Visne patronum?

Sed quid? ubi est? abiit—perditur—an potis est?

[Feeling for his lost snuff-box.]

GETA.

Quid? (HÆGIO). Pyxis mea! (GETA). Quam cum  
Dorio vendiderit, tu  
Eloquii capies præmia digna tui.

DEMIPHO.

Omnia mutantur certè:—sed adeste, patroni;  
In jus, si placeat, Phormio, eamus. (PHORMIO).  
Ohe!

In jus? in cænâ placet ire, et jus eat in me;  
Vas vadibus, testam testibus antefero.

Nec tibi sint odio mutæ, Demipho, leges,  
Mutatas idem spiritus intus alit.

Omne novum pocit sibi convenientia sæculum,  
Stet modo Libertas, et sine labe Fides.

Gratia Diis, nondum mos est mutatus edendi;  
In me post cænâ mitior esse potes.

Virtus post nummos? virtus post prandia—pransi  
Munera dant homines, vera loquuntur, amant.

DEMIPHO.

Fiat—at hîc maneat rerum immutabilis ordo,  
Dum colimus nati, quæ coluere patres.

Præscriptum gaudet servare Terentius orbem,  
Quadruplicemque explet nostra Thalia vicem.

Hæc eadem solito resonant subællia plausu,  
Et notos repetunt pulpita læta jocos.

Acta manent moresque loci; sed præterit actor,  
Cui vice plus unâ fabula nulla datur.

Nos qui spectamur posthæc spectabimus; isdem  
Mutatâ ripis labitur amnis aqua.

Quod vos fecistis, faciet quod senior ætas,  
Nos facimus; vestris moribus adsit honos.

Romanæ exemplar linguæ, quid denique prosit,  
Virtus an vitium, fabula nostra monet.

Tollentur vitæ jam mox aulcæ—gerendus  
Seu nobis soccus, sive cothurnus erit.

Quicquid erit, nocte hæc sententia vestra precamur  
In nostrum evadat lenis, ut ante, gregem.

Causa perorata est: concurrat dextera lævæ,  
Phormio nec timeat iudicis ora sui.

## PUBLIC PROSECUTORS.

(Continued from p. 504).

*Lord Stanley.*—Do you consider it desirable that the public prosecutor should interfere and take the initiative in cases of injury, where the parties aggrieved do not themselves desire to institute proceedings?—I should be inclined to think generally not. I can conceive a case in which it would be very painful to the party injured, and would be a great aggravation of the injury which he has received, if it were to be brought before the public. One can conceive cases of slander, cases of libel, cases even of personal violence, where the party would much rather put up with the injury he had received than be dragged before a court of justice as a witness.

*The Attorney-General.*—Might not that be safely left to the discretion of a proper public person?—Certainly.

On the other hand, let me put this class of cases. There may be cases of personal violence of a serious character, in which, from fear, or from other motives, the parties injured may not wish to come forward, but which at the same time operate injurious upon society; particularly cases in which brutality has been shewn by husbands to their wives, and sometimes by parents to their children; in such cases the women would be unwilling to bring them before the public for prosecution; but at the same time it would be right, and everybody would so feel it, that a prosecution should be instituted. Would it not be dangerous to lay down a rule, that in cases of personal injury the public prosecutor should not interfere without the consent of the

parties aggrieved?—I should by no means lay down the rule that the refusal of the consent of the party, or the opposition of the party, to the case being proceeded with, should be binding upon the public prosecutor; but I should leave it to his discretion, so as not to make it imperative upon him to go on merely because an offence had been committed.

*Lord Stanley.*—You would not leave absolutely in the hands of the aggrieved party the option of overlooking the offence?—Certainly not; and for one reason, among others, that the aggrieved party might refuse, not only from motives of delicacy and of personal feeling, and dislike to bring it forward, but from sordid motives, either of fear or of money.

*The Lord Advocate.*—It would enable a rich party to buy up his crimes?—No doubt.

*Mr. Watson.*—Are you aware that the evidence is very imperfect in a large number of cases of committals by magistrates throughout the country?—I am quite aware of it; it is very often most imperfect. I believe a very great improvement in the administration of justice (it does not apply so much to committing magistrates as to sessions) would be the adoption of the plan in England which is almost universal in Ireland, of a professional chairman of sessions. I believe in almost every county in Ireland, with one or two exceptions, the assistant barrister is chosen voluntarily by the magistrates to be the chairman of the sessions. When I originally framed the County Court Act in 1830, and afterwards in 1831 and 1832, a provision was inserted placing the county court judge (he was then called the local court judge, or judge in ordinary) in the commission without qualification, with the express view, stated at the time, of his being chosen as the professional chairman of the sessions; and by the less extensive bill afterwards brought in by Lord Lyndhurst in 1845 or 1846, and which, improved, is now the law, the same provision was inserted; and the county court judge always may be, and I believe generally is, in the commission of the peace; but I am told that in no one instance have the magistrates ever chosen him for their chairman.

Does your Lordship see any objection to the committing magistrate being one of the bench of magistrates who try the prisoner if he is committed?—Yes; I have considerable doubts whether he ought to be. It signifies very little if it is a large bench; but I think, upon the whole, it is better not to be so. I know it is a very common opinion that he ought not to be.

*Mr. W. Ewart.*—Can your Lordship compare the system of public prosecution pursued in France with that in Scotland?—I cannot say that I know enough of either system to make a very accurate comparison; particularly of the French system. The office of Procureur-General, the old Procureur du Roi, is a very important office, and the consideration of it is attended with a good deal of difficulty. I believe it to have been the model of the office of Lord Advocate. I believe it was very much upon that that the office of Lord Advocate in Scotland was established, and among other things one analogy rather leads to this conclusion; it is a trifle, but it shews the similarity. The Lord Advocate in my time used always to be in the robing-room of the judges, to robe with the judges; and accordingly in a civil law case, at the Judicial Committee of the Privy Council, when the Queen's Advocate, answering to the Lord Advocate, is present, he remains in while the judges are making up their minds upon their judgment—a prize cause, for instance. So in France the Procureur du Roi has certain quasi judicial functions; he is called a magistrate, and when strangers have withdrawn, the Procureur du Roi, the public prosecutor, remains with the Court, as he does in Scotland. That is so even in civil cases; and that is the most difficult part of the subject, and what to a

foreigner is the least intelligible, as to the limits of his office; he sums up the case, even in common cases, where he is not employed, but is merely Procureur-General: he gives the Court the benefit of his advice.

*The Attorney-General.*—He is a sort of amicus curiæ?—A general amicus curiæ.

Is it not the great objection to the French system that the Procureur du Roi is not only the public prosecutor, but is apparently one of the judges, and that he is too apt to use his quasi judicial power as auxiliary to his functions as public prosecutor?—As to the French criminal procedure, with the exception of having a public prosecutor, and one or two other advantages over us, it is exceedingly bad. Their criminal law is very good, but it is impossible to conceive a much worse criminal procedure. There is no power of bail, for instance. I have known a most respectable man dragged through three or four departments, and imprisoned for three or four months till the assizes came on, against whom there was not the shadow of a charge; everybody admitted that, but there was no power of bailing, because the power of bailing is in proportion, not to the station of the party, or the probability of his being guilty or not guilty, but to the amount of the punishment which would be inflicted should he be found guilty: nothing can be more absurd than that.

*Mr. Phillimore.*—Did your Lordship ever read the preliminary discussions to the Code Napoleon with regard to the subject of the Procureur-General?—I have read a great deal of that book, and a most interesting work it is; and I will take the liberty of mentioning the authority of it, so far as regards a very interesting part of it, namely, the Emperor Napoleon's own observations in the course of the discussion. I asked a question of the French Arch-Chancellor, Cambacere, many years ago, in the year 1817; we were speaking of this book, and I said, touching the parts which related to Buonaparte, "Monseigneur, est-ce d'une fidélité parfaite?" He said, "Plutôt d'une fidélité discrète;" and nothing, I believe, could be more correct than that. Nothing was put down there that he had not said, but a great deal was left out which he had said. I wrote that in the title-page of my copy of the Conference du Code. . . . One of my resolutions suggests giving a power to the committing magistrate to cause to be advanced a certain moderate sum for the expenses of bringing witnesses. I am quite sure, from all I have both seen at the bar, and heard of by conversing with professional men who have much greater experience in criminal practice than I ever had, that great hardship is done to prisoners from the want of evidence; every man in the Profession must be aware of that.

*The Lord Advocate.*—In Scotland, if a man has important evidence to bring forward, and it is not able to be produced, we inform him that if he brings up his witnesses, and we think at the conclusion of the trial they were proper witnesses to be examined, he will be allowed the expenses; that is done very frequently; but we never pay until after the trial, and until after we have seen that these witnesses ought to have been brought. Sometimes the prosecutor brings up the witnesses himself, at his own expense?—The worst of all the practices in the French procedure is this—worse still than not allowing the power of bail—namely, the torture and question which the prisoner is put to upon his trial by the judge.

*The Attorney-General.*—The judge constantly converting himself, in the sort of intellectual contest which is going on between them, into an advocate. As your Lordship has adverted to that, I will take the opportunity of asking if you have ever considered whether one might not steer a middle course, not allowing the judge to interrogate the prisoner, whereby the judge forgets his judicial impartiality, and that he has to hold the balance, but keeping the judge as judge, and

allowing the advocate, the public prosecutor, to interrogate the prisoner; whether, after all, the interrogation of the prisoner may not be the very best means of ascertaining the true state of the case?—I am perfectly clear that some change in our law upon this subject, some relaxation, is absolutely necessary. My only objection to the French procedure is, that it is the worst possible mode of doing it—namely, making the judge himself, with all his judicial functions, and character, and weight, the person to put these questions. There was a most able paper of the late Lord Denman in the Edinburgh Review many years ago upon this subject, in which it was thoroughly discussed, and, as might be supposed, most ably discussed; but I do not think he goes so far there as to say that our system is at all perfect, or anything near it; and I think it is quite compatible with the views which he takes that there should be a power given of examining the prisoner. One mode which has sometimes struck me as being a step towards it, and which might be safely taken, is, to give an optional power to the prisoner to be examined if he choose. . . .

Still, by that means he might be acquitted in this way, that not knowing beforehand what statements he was about to make, the prosecutor would not be prepared with evidence to rebut those statements, which might produce a certain impression upon the jury, and carry the point at the moment; whereas if the man, prior to the trial, were subject to an examination on the part of the public prosecutor, then if he stated things falsely, you could have and could desire no better indicie of his guilt than the falsehood which he had stated. At all events it would have weight. Therefore I am anxious to put it to your Lordship, who is so great an authority upon those matters, whether, however vicious it might be to make the judge the interrogator, if he were there to hold the scales, it might not be desirable to subject the man to examination; just the same as if any one of us had a servant upon whose character or conduct we were to pass judgment, the first thing we should do, if we thought it necessary, would be to examine him himself; and I do not see why that course should not be adopted?—Nor I either; and you will observe that as it now stands the prosecutor is subject to the fullest examination; the defendant is not subject to any. . . . My opinion is, that self-elimination is no objection to a witness, if it is not in his own case, but in another person's case. I think that a witness ought to be compellable to answer questions, though criminating himself, if he is the witness of another party; but that his answer should not be given in evidence against himself.

(To be continued).

The Lord Chancellor has been pleased to appoint Robert Wilfred Skeffington Lutwidge, Esq., Barrister at Law, a Commissioner in Lunacy, vice James William Mylne, Esq., deceased.

COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.—The Lord Chancellor has appointed William Gresham, Gent., of No. 32, Castle-street, Holborn, a London Commissioner to administer oaths in the High Court of Chancery.

THE LATE MR. COWLING.—The Deputy High Stewardship of the University of Cambridge, which has become vacant by the death of Mr. John Cowling, Barrister at Law, is, it is said, likely to be conferred upon Mr. John George Shaw Lefevre, M. A., of Trinity College, Assistant Clerk of the Parliaments. Mr. Lefevre was Senior Wrangler in 1818, and is a younger brother of the Speaker of the House of Commons. The post of Standing Counsel to the University has also become vacant by the death of Mr. Cowling.

TUESDAY, Dec. 25.

## BANKRUPTS.

**GUSTAV HASSE**, Railway-place, Fenchurch-street, merchant, (trading under the style or firm of G. Hasse & Co.), Jan. 4 at 12, and Feb. 8 at half-past 11, London: Off. Ass. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers, Old Jewry.—Pet. f. Dec. 22.

**JAMES WOODROFFE**, Leather-lane, Holborn, licensed victualler, Jan. 4 at half-past 11, and Feb. 8 at 12, London: Off. Ass. Cannan; Sols. Overbury & Peek, 4, Frederick's-place, Old Jewry.—Pet. f. Dec. 17.

**JAMES THOMAS MURRAY**, Lower James-st., Golden-square, pianoforte maker, Jan. 5 at 12, and Feb. 8 at half-past 11, London: Off. Ass. Pennell; Sols. Linklater & Co., 17, Sise-lane.—Pet. f. Dec. 22.

**JOSEPH HENRY WETTON**, Oxford-street, St. Mary-lebone, bookseller, Jan. 5 and Feb. 8 at 11, London: Off. Ass. Nicholson; Sol. Scarman, 54, Coleman-street.—Pet. f. Dec. 21.

**CHARLES SHARP**, Albion-road East, Stoke Newington, late of Lime-street, wholesale ironmonger, Jan. 8 at 2, and Feb. 5 at 12, London: Off. Ass. Edwards; Sols. Woodward, March, Ely, Cambridgeshire; Taylor & Co., 28, Great James-street, Bedford-row.—Pet. f. Dec. 12.

**THOMAS HENRY RYLAND**, Birmingham, wood turner, Jan. 16 and Feb. 6 at half-past 10, Birmingham: Off. Ass. Christie; Sols. Motteram & Knight, Birmingham.—Pet. d. Dec. 19.

**TIMOTHY SPRAY**, Lenton, Nottinghamshire, lace manufacturer, Jan. 8 and 29 at half-past 10, Nottingham: Off. Ass. Harris; Sols. Brewster & Son, Nottingham; Motteram & Knight, Birmingham.—Pet. d. Dec. 18.

**PATRICK FARRELL**, Salford, contractor, Jan. 9 and Feb. 4 at 12, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Pet. f. Dec. 21.

**JOHN NEWSOME**, Dewsbury, Yorkshire, woollen manufacturer, Jan. 14 and Feb. 11 at 12, Leeds: Off. Ass. Hope; Sols. Chadwick, Dewsbury; Barrett, Leeds.—Pet. d. Dec. 21.

**JAMES WILLIAM GREGORY**, Halifax, Yorkshire, grocer, (also trading with Thomas Gregory and Richard Reynolds Gregory, at Shelf, Halifax, worsted spinners, under the firm of Thomas Gregory & Brothers), Jan. 14 and Feb. 11 at half-past 12, Leeds: Off. Ass. Hope; Sols. Bennett, Halifax; Bond & Barwick, Leeds.—Pet. d. Dec. 21.

**JOHN PATTINSON**, Bishopwearmouth, Durham, builder, Jan. 8 and Feb. 15 at 12, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Kidson, Sunderland.—Pet. f. Dec. 21.

**JOHN RICHARDSON** the younger, Cockermouth, Cumberland, common brewer, Jan. 8 and Feb. 12 at 11, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Steel & Waugh, Cockermouth; Watson, Newcastle-upon-Tyne; Bischoff & Co., 19, Coleman-street, London.—Pet. f. Dec. 5.

## MEETINGS.

*Newyear Lawty Dawson*, Macclesfield, Cheshire, grocer, Jan. 10 at 12, Manchester, last ex.—*Richard B. Fletcher*, Shaw Edge, Crompton, Lancashire, cotton spinner, Jan. 4 at 12, Manchester, last ex.—*George Weatherhead*, Newcastle-upon-Tyne, joiner, Jan. 4 at 1, Newcastle-upon-Tyne, last ex.—*Frederick Long*, King-street, Cheapside, warehouseman, Jan. 15 at 1, London, aud. ac.—*Samuel Seal*, Little Queen-street, Holborn, earthenware dealer, Jan. 4 at 11, London, aud. ac.—*Thomas Whitford Nichols*, York-road, Battersea, candle manufacturer, Jan. 4 at 12, London, aud. ac.—*George Edward Neal*, Pembury, Kent, innkeeper, Jan. 4 at 12, London, aud. ac.—*Benjamin Hayne* and *Charles Hayne*, Upper Whitecross-street and Alderagate-street, carpenters, Jan. 4 at 12, London, aud. ac.—*Joseph Mosses*, Lambeth Lower Marsh, glass dealer, Jan. 4 at 1, London, aud. ac.—*Michael Jones*, Oxford-street, grocer, Jan. 4 at 12, London, aud. ac.—*Wm. Oeler*, Earl-street, Finsbury-square, cab proprietor, Jan. 4 at 12, London, aud. ac.—*Theo. Reed*, George-street, Mile-end New-town, shaft manufacturer, Jan. 4 at 12, London, aud. ac.—*James Lamb*, *Edward Lewis*, and *William Thomas Allen*, Woudham, Kent, and Kingsland-road, Middlesex, cement manufacturers, Jan. 5 at 11, London, aud. ac.—*John Scott*, Nottingham, grocer, Jan. 29 at half-past 10, Nottingham, aud. ac. and div.—*Haydon Lounds*, Bourn, Lincolnshire, coachbuilder, Jan. 29 at half-past 10, Notting-

ham, aud. ac. and div.—*John Biddle*, Leicester, glove manufacturer, Jan. 15 at half-past 10, Nottingham, aud. ac.—*Geo. Donisthorpe*, Syston, Leicestershire, grocer, Jan. 29 at half-past 10, Nottingham, aud. ac.—*Richard Herdoy*, Kingston-upon-Hull, merchant, Jan. 16 at 12, Leeds, aud. ac.—*John Rogers*, Laurence Pountney-lane, commission agent, Jan. 15 at 11, London, div.—*Robt. Kimpton*, Crescent, Jewin-street, Cripplegate, jeweller, Jan. 15 at 11, London, div.—*Harry Woodbridge*, Strand, publisher, Jan. 15 at 12, London, div.—*Buchanan Balfour*, St. Mary-axe, Leadenhall-street, underwriter, Jan. 15 at half-past 11, London, div.—*William Dent*, Newcastle-street, Strand, lead merchant, Jan. 15 at 12, London, div.—*William Dixey*, Bradwell-near-the-Sea, Essex, innkeeper, Jan. 15 at 12, London, div.—*Emile Morinière Demaise* and *Henry Thomas Wooler*, Bucklersbury, merchants, Jan. 15 at 1, London, fin. div.—*John Thos. Archer*, Portobello-lane, Notting-hill, Bayswater, licensed victualler, Jan. 15 at 12, London, div.—*Richard Hoyes*, West Cowes, Isle of Wight, postmaster, Jan. 21 at 1, London, div.—*Joseph Littleford*, High-street, and Nottingham-mews, High-street, Marylebone, livery-stable keeper, Jan. 21 at 1, London, div.—*John Overbury*, Frederick's-place, Old Jewry, woollen warehouseman, Jan. 17 at half-past 11, London, div.—*Robert Gray*, Bishop's Waltham, Southampton, corn merchant, Jan. 17 at half-past 12, London, div.—*William Shackell*, Regent's-canal, St. Pancras, and Hammersmith, naphtha manufacturer, Jan. 18 at 11, London, div.—*Joseph Grave*, Manchester, warehouseman, Jan. 15 at 12, Manchester, div.—*Philip Rufford*, *Francis Rufford*, and *Chas. John Wragge*, bankers, Jan. 23 at half-past 10, Birmingham, fin. div. sep. est. of *F. Rufford*; Feb. 13 at half-past 10, fin. div. joint est.—*Henry Anderson*, Leicester, manufacturer of carved frames, Jan. 22 at half-past 10, Nottingham, div.—*Joseph Poppleton*, Leicester, worsted yarn spinner, Jan. 22 at half-past 10, Nottingham, div.—*Jos. Asher*, Old Dalby, Leicestershire, miller, Jan. 29 at half-past 10, Nottingham, div.—*John Bates* and *Edward Bower*, Leicester, lambs'-wool spinners, Jan. 22 at half-past 10, Nottingham, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Samuel Jonas*, Houndsditch, and New-street, Gravel-lane, Houndsditch, draper, Jan. 16 at 1, London.—*Benjamin Parker*, Albany-road, Camberwell, builder, Jan. 16 at 12, London.—*William Rich* and *Robert Hannah*, Park-lane, Middlesex, tailors, Jan. 16 at half-past 1, London.—*Herbert George James* and *John James*, Leadenhall-street, engineers, Jan. 17 at half-past 12, London.—*George Tennant*, Market-street, Westminster, licensed victualler, Jan. 17 at 11, London.—*Alfred Dixon Toovey*, Aldermanbury, wholesale stationer, Jan. 17 at 12, London.—*Christopher Becker*, Manchester, brewer, Jan. 17 at 12, Manchester.—*Chas. Clayton*, Wolverhampton, Staffordshire, ironfounder, Jan. 24 at half-past 12, Birmingham.—*John Brownhill*, Tipton, Staffordshire, boot maker, Jan. 24 at half-past 12, Birmingham.—*Thomas Baker*, Kidderminster, Worcestershire, butcher, Jan. 24 at half-past 12, Birmingham.

*To be granted, unless an appeal be duly entered.*

*Peter Poland*, Bread-street, Cheapside, furrier.—*Joseph Gill*, King-street, Camden-town, licensed victualler.—*Henry Lee Fry*, Plymouth, carver.—*John Hobson*, Leeds, Yorkshire, grocer.—*Thomas Linfoot*, York, builder.—*William Keeling*, Birmingham, merchant.—*Richard Jarvis*, Wolverhampton, Staffordshire, warehouseman.—*Henry Clarke*, Church Streeton, Shropshire, seedsman.—*Barnett Behrens*, Birmingham, general dealer.

## PETITION ANNULLED.

*John Danks*, Great Bridge, Staffordshire, timber merchant.

## PARTNERSHIP DISSOLVED.

*T. M. Loveland* and *Geo. Teak*, Tweed, Lincoln's-inn-fields, attorneys and solicitors.

The Queen has been pleased to appoint Henry Cloete, Esq., to be a Puisne Judge of the Supreme Court of the Colony of the Cape of Good Hope.



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## GAZETTES.—FRIDAY, Dec. 28.

## BANKRUPTS.

JOSEPH FARMAN, Portobello-terrace, Notting-hill, builder, Jan. 10 at half-past 11, and Feb. 4 at 12, London: Off. Ass. Johnson: Sol. Woodbridge, 8, Clifford's-inn.—Pet. f. Dec. 22.

GEORGE FREDERIC CRAGGS, Cobourg-row, Old Kent-road, late of Basinghall-street, wholesale fancy stationer, Jan. 10 at 1, and Feb. 5 at 1, London: Off. Ass. Edwards; Sol. Young, 12, Warwick-square.—Pet. f. Dec. 27.

MOSS DAVIDS, Middle-row, Holborn, milliner, Jan. 8 at half-past 2, and Feb. 12 at 12, London: Off. Ass. Lee; Sol. Moss, 23, Moorgate-street.—Pet. f. Dec. 24.

JOHN GRIMWOOD PERKINS, Warnford-court, Throgmorton-street, stockbroker, (lately trading with John Grimwood Perkins the elder, deceased, under the firm of J. G. Perkins & Son), Jan. 11 at half-past 12, and Feb. 8 at 1, London: Off. Ass. Whitmore; Sol. Chidley, 19, Gresham-street.—Pet. f. Dec. 24.

WILLIAM EDMONDS, Kidderminster, hosier, Jan. 11 and Feb. 1 at 11, Birmingham: Off. Ass. Bittleston; Sols. Boycott, Kidderminster; Motteram & Knight, Birmingham.—Pet. d. Dec. 22.

THOMAS JOHNS, Dowlais, Merthyr Tydvil, Glamorgan-shire, shopkeeper, Jan. 14 and Feb. 12 at 11, Bristol: Off. Ass. Acraman; Sols. Henderson & Co., Bristol; Pet. f. Dec. 15.

## MEETINGS.

*Thomas Spence*, Maryland Point, Stratford, Essex, market gardener, Jan. 2 at half-past 2, London, pr. d.—*John Turner*, Uckfield, Sussex, grocer, Jan. 16 at 2, London, pr. d.—*John Bake*, Cambridge-terrace, Barnsbury-park, and Caledonian-road, Islington, contractor, Jan. 9 at 12, London, last ex.—*W. Taylor*, Gloucester, hardware dealer, Jan. 24 at 11, Bristol, aud. ac.—*J. Rushton*, Carlisle, plasterer, Jan. 15 at half-past 11, Newcastle-upon-Tyne, aud. ac.—*Thomas Lumsden*, South Shields, shipbuilder, Jan. 18 at 1, Newcastle-upon-Tyne, aud. ac.; Jan. 22 at 11, div.—*Joseph Grace*, Manchester, warehouseman, Jan. 8 at 12, Manchester, aud. ac.—*Thos. Hunter*, Liverpool, joiner, Jan. 9 at 11, Liverpool, aud. ac.—*John Batters*, Tokenhouse-yard, shipowner, Jan. 22 at 12, London, div.—*Wm. Grant*, Brighton, newsvender, Jan. 18 at half-past 1, London, div.—*Richard Wm. Glode Douglass*, Woodcote, stage-coach proprietor, Jan. 18 at half-past 11, London, div.—*Charles Kelly*, High-street, Kensington, and Baker-street, Portman-square, auctioneer, Jan. 18 at half-past 12, London, div.—*Wm. Bailey*, Northampton, engineer, Jan. 18 at 1, London, div.—*Israel Cowan* and *Mark Braham*, Aldgate High-street, waterproof clothing manufacturers, Jan. 18 at half-past 11, London, div.—*Jas. Purdy* and *W. Thos. Purdy*, King's Lynn, Norfolk, builders, Jan. 18 at 11, London, div.—*Henry Wm. Brown*, St. Albans, Hertfordshire, innkeeper, Jan. 18 at half-past 11, London, div.—*J. Willor*, Broadway, Westminster, cheesemonger, Jan. 18 at 11, London, div.—*Arthur Cooling* and *H. Marcham*, London-wall, soap makers, Jan. 18 at 12, London, div.—*Wm. Hackett*, Oxford, gas engineer, Jan. 18 at 12, London, div.—*Wm. Osler*, Earl-st., Finsbury-square, cab proprietor, Jan. 18 at 1, London, div.—*John Bronson*, Liverpool, hosier, Jan. 18 at 11, Liverpool, div.—*Wm. Wilkinson Rawling*, *Samuel Rawling*, and *J. Rawling*, Manchester, carriers, Jan. 25 at 12, Manchester, div.—*Thos. Deans*, Blackburn, Lancashire, draper, Feb. 1 at 12, Manchester, div.—*Thomas Younger* the elder, Sunderland, builder, Jan. 24 at half-past 11, Newcastle-upon-Tyne, div.—*Stephen Carlton*, Darlington, Durham, coach manufacturer, Jan. 25 at half-past 11, Newcastle-upon-Tyne, div.—*John Augustus Noel*, South Shields, wine merchant, Jan. 24 at 12, Newcastle-upon-Tyne, fin. div.—*Sampson Langdale*, *John Eytton*, and *Mesta Joscelin Cooke*, Newcastle-upon-Tyne, merchants, Jan. 24 at half-past 11, Newcastle-upon-Tyne, fin. div.—*John Mills*, New Bank, near Halifax, Yorkshire, ironfounder, Jan. 18 at 11, Leeds, div.—*Jonas Smith*, Low Moor, Yorkshire, worsted spinner, Jan. 18 at 11, Leeds, div.—*J. Allan* and *John Sinclair Cousins*, Huddersfield, woollen-cloth merchants, Jan. 18 at 11, Leeds, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Benjamin French*, St. Mary's-terrace, Walworth-road, sta-

tioner, Jan. 21 at 1, London.—*James Howarth*, Ashton-under-Lyne, Lancashire, linendraper, Jan. 18 at 12, Manchester.—*Thomas Deans*, Blackburn, Lancashire, draper, Feb. 1 at 12, Manchester.—*Francis Robinson*, Masebrough, Yorkshire, contractor, Jan. 19 at 10, Sheffield.—*William Thomas Stanforth*, Sheffield, cutlery manufacturer, Jan. 19 at 10, Sheffield.—*George Mitnes*, Sheffield, brickmaker, Jan. 19 at 10, Sheffield.—*James Davies*, Cradley-heath, Staffordshire, plumber, Jan. 24 at half-past 12, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Henry William Brown*, St. Albans, Hertfordshire, innkeeper.—*Henry Hill*, High-street, Hampstead, builder.—*Elizabeth Mary Muller*, Castle-street East, Oxford-street, picture dealer.—*William Hackett*, Oxford, gas engineer.—*John Minter*, Orchard-crescent, Caledonian-road, Islington, ship owner.—*Israel Cowan* and *Mark Braham*, High-street, Aldgate, waterproof clothing manufacturers.—*John Field*, Burnham, Westgate, Norfolk, draper.—*Wm. Henry Goodburn Mason*, Brighton, printseller.—*John Fairbrother*, Hertford, brewer.—*Wm. Canute Bodley*, Exeter, iron founder.—*Wm. Clarke*, Altrincham, Cheshire, joiner.—*Thomas Allen* and *Thomas Cuthbert Cockson*, Manchester, Italian warehousemen.

## TUESDAY, Jan. 1.

## BANKRUPTS.

WILLIAM ELSAM, Heyford and Rugbrook, Northamptonshire, ironstone master, (lately trading with Henry Bootby Elsam at Bombay, and lately also at Bishopsgate-street Within, as merchants, under the firm of William & Henry Elsam; lately also in partnership with H. B. Elsam and with Edward Elsam, at Liverpool, as merchants, under the firm of Elsam, Brothers; also late in partnership with William Elsam, since deceased, as colour manufacturers, at Stanhope-wharf, Camden-town), Jan. 11 at 1, and Feb. 15 at 11, London: Off. Ass. Nicholson; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Pet. f. Dec. 29.

ROWLAND HILL BLACKER, Ludgate-street, importer of foreign silk goods, Jan. 11 at 11, and Feb. 8 at 12, London: Off. Ass. Bell; Sols. Mardon & Pritchard, Newgate-street.—Pet. f. Dec. 21.

LEONARD LAIDMAN, Chancery-lane, and Wentworth-lodge, Coborn New-road, Bow, law stationer, Jan. 10 at half-past 12, and Feb. 14 at 12, London: Off. Ass. Bell; Sols. Philpot & Greenhill, 49, Gracechurch-street.—Pet. f. Dec. 29.

WILLIAM WIGGINS, Hawley Mills, near Dartford, Kent, and St. Paul's Churchyard, London, paper manufacturer, Jan. 11 at 2, and Feb. 15 at 1, London: Off. Ass. Whitmore; Sol. Spicer, 5, Staple-inn, Holborn.—Pet. f. Dec. 27.

JAMES HARRISON, London, commission agent, Jan. 9 at 2, and Feb. 12 at 12, London: Off. Ass. Graham; Sols. Farrott & Co., Macclesfield; Parkinson, 9, Argyll-street, Regent-street.—Pet. f. Dec. 26.

GEORGE WAGNER, late of North Audley-street, and now of Bernard-street, Russell-square, auctioneer, Jan. 8 at half-past 1, and Feb. 12 at half-past 12, London: Off. Ass. Stansfeld; Sol. Tucker, 25, Clement's-lane, City.—Pet. f. Dec. 31.

WILLIAM SEAGER WHITE, Handsworth, Staffordshire, chemist, Jan. 14 and Feb. 6 at half-past 10, Birmingham: Off. Ass. Christie; Sol. Robinson, Birmingham.—Pet. d. Dec. 29.

JOSEPH NOKES, Birmingham, glass cutter, Jan. 14 and Feb. 6 at half-past 10, Birmingham: Off. Ass. Whitmore; Sols. Smith, and East, Birmingham.—Pet. d. Dec. 29.

GEORGE TAYLOR, Derby, silk manufacturer, (carrying on business under the style or firm of William Taylor & Sons), Jan. 15 and Feb. 12 at half-past 10, Nottingham: Off. Ass. Harris; Sols. Dunnicliff, Derby; Motteram & Knight, Birmingham; Crowder & Co., London.—Pet. d. Dec. 19.

BAXTER BARKER, York, innkeeper, Jan. 17 and Feb. 15 at 11, Leeds: Off. Ass. Young; Sols. Bond & Barwick, Leeds.—Pet. d. and f. Dec. 31.

ISAAC FIRTH, Manchester, victualler, Jan. 11 and Feb. 1 at 12, Manchester: Off. Ass. Hernaman; Sols. Potter & Wood, Manchester.—Pet. f. Dec. 21.

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## THE JURIST.

LONDON, JANUARY 5, 1866.

THE tendency of modern times to free capital devoted to trade from the restraints imposed by the law upon land has been most frequently exemplified in that peculiar property in trading corporations and joint-stock companies known by the name of "shares." The question has arisen in this form—whether shares in such corporation or company, when land forms a portion of its stock, are impressed with the character of realty, and subject to its incidents, or are to be regarded as mere rights to a certain proportion of personalty in the shape of profits accruing from the joint stock, of whatever it may consist?

In some instances the act of Parliament incorporating the company, or otherwise providing for its operations, expressly declares that the shares shall be deemed personal estate, and then no further question arises upon the point. (*Bradley v. Holdsworth*, 3 M. & W. 422; *Thompson v. Thompson*, 1 Coll. 381). But, in the absence of such legislative declaration, it becomes a matter of some nicety to determine the exact position of the property in question.

In equity, realty held for the purposes of trade has uniformly been treated as personalty, with reference to matters of title, of account, and the like, arising among the partners themselves, or those who have agreed to become partners in the undertaking. (*Phillips v. Phillips*, 1 My. & K. 649; *Townsend v. Devaynes*, Id. 662, note (b); *Fereday v. Wightwick*, 1 Russ. & M. 45; *Story v. Lord Windsor*, 2 Atk. 630; *Jefferys v. Smith*, 1 J. & W. 298; *Crawshaw v. Mawle*, 1 Swanst. 496; *Curling v. Flight*, 6 Hare, 41; S. C., 2 Ph. 613).

But with regard to the Statutes of Frauds and of Mortmain, when it has become necessary to decide whether shares in a trading co-partnership holding land as a part of its stock-in-trade are an "interest in land" within their enactments, this distinction has been drawn in many cases, both at law and in equity—that if the company be incorporated, or if the land be vested in trustees for the purpose of making profit therefrom, and of dividing the profit among the shareholders, the shares of the individual members in such company do not represent an interest in land so as to come within

those statutes; but it has been said to be otherwise if the company is unincorporated, or the land not vested in trustees. (See *Bligh v. Brent*, 2 Y. & C. 268—Chelsea waterworks—Statute of Frauds; *Watson v. Spratley*, 10 Exch. 222—Shares in a mine—Statute of Frauds; *March v. The Attorney-General*, 5 Beav. 433; 6 Jur., part 1, p. 829, S. C.—Policies of insurance; *Sparling v. Parker*, 9 Beav. 450; 10 Jur., part 1, p. 448, S. C.—Gas-light and Dock Companies—Mortmain; *Hilton v. Giraud*, Id. 459, note; 1 De G. & S. 183; 13 Jur., part 1, p. 323, S. C.—The London Dock and West India Dock Companies—Mortmain; *Walker v. Milne*, 11 Beav. 507; 13 Jur., part 1, p. 933, S. C.—Dock and Canal Company—Mortmain; *Myers v. Perigal*, 11 C. B. 90; 16 Jur., part 1, p. 21; S. C., in Chancery, 2 De G., Mac., & G. 599; 17 Jur., part 1, p. 145—Joint-stock bank—Mortmain; and *Ashton v. Lord Langdale*, 15 Jur., part 1, p. 868—Banking company—Railway scrip—Debentures—Mortmain).

This distinction, however, was denied by the Master of the Rolls in the recent case of *Ware v. Cumberlege*, (1 Jur., N. S., part 1, p. 745), in which that learned judge held, that shares in the Grand Junction Waterworks Company, incorporated by statute, were within the Mortmain Act. In delivering judgment his Honor said, "I think that the distinction cannot be supported which has been attempted to be drawn between the cases of land held by an association of individuals and an incorporated company—namely, that the fact of the incorporation alters the nature of the interest of the shareholders, and makes the holding no longer obnoxious to the provisions of the Mortmain Act. This seems to me so fine and delicate a distinction as to be likely to lead to serious difficulties. It is one of the greatest evils to create distinctions of this kind, while the best exposition of the law will be always found in laying down broad and general principles. I doubt also whether such a distinction as this can be supported by reason. The distinction is of a very singular character; it is, that the members do not hold the land in their individual character, but among them in their corporate character; and thus, under the shadow of a name, it is attempted to be made out that what they really possess in their corporate name is something different from what they would possess in their individual character. The view which I have always taken

of this class of cases is, that where the substance of an undertaking is dealing with land, then, whether incorporated or not, the company falls within the provision of the statute. In the case of a banking company a distinction is fairly drawn, as its business does not necessarily involve a dealing with land. I express no opinion as to *Myers v. Perigal*, which does not govern the present case. In the present state of the authorities, I am very much disposed to decide according to my own view of the law. . . . In many cases, where testators have given their property to charities to the exclusion of their families, I have been disposed to think that no public advantage would be gained by relaxing the provisions of the Mortmain Act; and accordingly, where there has been no clause in the acts of Parliament incorporating canal and water companies, providing that the shares shall be personal estate, which altogether varies the case, I have held that the shares in such companies are obnoxious to the provisions of the statute, and ought to be treated as such." The case, however, of *Ware v. Cumberlege* must be taken to be overruled, and the distinction between corporate and unincorporated companies to be again set up by the Lord Chancellor in *Edwards v. Hall*, (1 Jur., N. S., part 1, p. 1189), affirming the decision of Sir W. P. Wood, V. C., that shares in canal, waterworks, and gas companies (as well as Bank stock and arrears of rent) are not within the Statute of Mortmain if the companies be incorporated, although they hold land for the purposes of their business. "It has long been settled," said the Lord Chancellor on this occasion, "that money secured by a mortgage of land is land within the meaning of the statute; and on very intelligible grounds. . . . So as to money charged on land. . . . But the question now for decision is, as to the shares in incorporated companies. In these cases there is always of necessity some land vested in the company, in the concerns of which the shareholder is interested; and what I have to say is, whether a share in such a company is an estate or interest in land. These words, 'estate or interest in land,' are words of a very extensive import, and it is not a matter of surprise that from their vague generality they have given rise to some contrariety of decision. Now, I cannot disguise from myself, that if the point were now to be decided for the first time, there are (so, at least, it seems to me) forcible arguments in favour of the proposition that shares of this description are interests in land. The share derives, in many cases, its original, if not its only, value from the use of land. In the case of incorporated companies, if all the shares should become concentrated in one shareholder, (I put an extreme case certainly, though not an impossible one), that shareholder would at once become absolute owner of the whole property of the company, including the land. Why, then, it may be asked, while he is the owner of some only of the shares, is he not the owner of a proportional part of it? On the other hand, every one must feel, that in contending that such shares are interests in land, he is attributing to them a quality which no kind of authority ever understands them to possess. Such a conclusion must be arrived at, if at all, by refined reasoning on the legal qualities of such prop-

erty, not obvious to the ordinary apprehension of the shareholders themselves; and therefore, whatever doubt there might be if the question were *res integra*, and to be now decided for the first time, I am glad to think it is, as it appears to me, settled by decision. The case of *Myers v. Perigal* had the sanction first of the Court of Common Pleas, and afterwards of Lord St. Leonards in this court. That authority seems to me to decide the question of the shares now in dispute. In *Myers v. Perigal* there was no charter or act of Parliament. The company in that case was a mere self-constituted joint-stock company. By the terms of the deed of partnership they were to be at liberty to purchase land; and it was found as a fact that their property consisted of (amongst other things) certain freehold and copyhold hereditaments, and money due on mortgage of freehold, copyhold, and leasehold hereditaments. There it was held, after long and able arguments in both courts, that the shares were not interests in land, and therefore not within the 9 Geo. 2, c. 36. By that authority I feel bound, according as it does with a great number of previous cases, and with, as I believe, the general understanding of the community. If that be the law as to the shares in a company not incorporated by charter or act of Parliament, it must be so as to the shares in companies which are so incorporated, and where the lands are held by the corporation itself, being a body, in theory at least, distinct from the shareholders of which it is composed. I do not feel called on to review or discuss the previous cases. I consider the question to have been settled by *Myers v. Perigal*, from which I have neither the right nor the inclination to depart."

There is still a very important question remaining, which cannot be said to have been expressly decided, namely, whether shares in a trading company holding land for the purposes of its trade, the company not being incorporated, and the land not being vested in trustees, constitute an interest in land within the Statutes of Mortmain or the Statute of Frauds? We propose to discuss this branch of the subject upon a future occasion.

**MR. BARON PARKE.**—The Profession will be gratified to learn that this eminent judge has been elevated to the Peerage.

**COMMISSIONER TO ADMINISTER OATHS IN CHANCERY.**—The Lord Chancellor has appointed Thomas Wrake Ratcliff, Gent., of Dean Colet House, Stepney, Middlesex, to be a London Commissioner to administer oaths in the High Court of Chancery.

The Commissioners in Lunacy have (with the approbation of the Lord Chancellor) appointed John Forster, Esq., of the Inner Temple, Barrister-at-Law, to be their Secretary, on the resignation of R. W. S. Lutwidge, Esq., appointed a Commissioner.

**DEATH OF THE COUNTY COURT JUDGE FOR LEICESTERSHIRE.**—We have to announce the death of J. D. Burnaby, Esq., Barrister-at-Law, and Judge of the Leicestershire County Court. He died at Torquay on the 29th ult., after a few days' illness.

\* "Shares in a banking company, where the shareholders were entitled to the profits only, and the real estate was vested in trustees, were held not to be within the Mortmain Acts, first by the Court of Common Pleas in *Myers v. Perigal*, and confirmed by Lord St. Leonards." (Per Parke, B., in *Watson v. Spratley*, 10 Exch. 245). The learned baron distinguished this case from ordinary partnerships upon the fact of the land being vested in trustees.

## COPYRIGHT.

It has been decided in Scotland, in the case of *The Rev. H. Davies v. The Proprietors of The Witness*, that letters sent to the editor of a paper for insertion do not become, even for the time, his property, but that the writer may, if he alter his intention, claim them back again before publication.

Another flaw, it is believed, has been found in the Copyright Act. If our Courts of law shall rule according to the letter of the international convention—and we do not see how they can avoid such ruling—a mode of evasion has been discovered which will enable Americans, as well as all other aliens, to secure a copyright for their works in this country. An experiment, having for its object to unsettle the law once more, is being made in the case of an Italian, Signor Ruffini, author of "Lorenzo Benoni" and "Doctor Antonio," two tales written in English, and intended chiefly for circulation in England. Anticipating for "Doctor Antonio," which has just appeared, a popularity equal to that which attended "Lorenzo Benoni," Signor Ruffini's publishers, Messrs. Constable & Co., of Edinburgh, were led to look into the state of the law. They found that though the English law alone offered no security, the French law of copyright, taken in connexion with the international copyright convention between France and England, seemed to furnish it. Mr. Burke, in his "Analysis of the Copyright Laws," says—"According to the law of France, a French subject does not injure his copyright by publishing his work first in a foreign country. It matters not where that publication has taken place, the copyright forthwith accrues in France, and on the necessary deposit being effected, its infringement may be proceeded against in the French courts. Moreover, as foreigner publishing in France will enjoy the same copyright as a native, and this whether he has previously published in his own or any other country or not." Then comes the plesantry. By the first article of the International Convention of 1852 it is provided that the "authors of works of literature and art, to whom the laws of either of the two countries do now or may hereafter give the right of property or copyright, shall be entitled to exercise that right in the territories of the other of such countries, for the same term and to the same extent as the authors of works of the same nature, if published in such other country, would therein be entitled to exercise such right; so that the republication or piracy in either country of any work of literature or art published in the other shall be dealt with in the same manner as the republication or piracy of a work of the same nature first published in such other country." Here the text is clear. Publication in France confers copyright in that country, and the holder of such copyright in France becomes, in virtue of the convention of 1852, entitled to copyright in England! Let Signor Ruffini or Mr. Prescott first publish in Paris; he may then come to London, and offer Mr. Murray or Mr. Bentley a legal monopoly of his works. Such, at least, is the new reading of the law which has been acted on in Signor Ruffini's case. His "Doctor Antonio" was published first in Paris (in English) by Galignani, all the formalities required by the French law being complied with; and thus, it is supposed, no copies of the work can be published in Great Britain except those issued by the Edinburgh publishers. Of course, the convention with France never contemplated the admission of Americans to its benefits; still, an American holding a French copyright (which he can easily hold) becomes, quoad copyright, a Frenchman, and is entitled, on the above interpretation, to the protection of the convention. Here is another and most powerful argument in favour of a revision of the law of copyright, as well as of the conventions to which it has given rise.—*Athenaeum*.

## Court Papers.

COMMON-LAW SITTINGS, IN AND AFTER  
HILARY TERM, 1856.

## Court of Queen's Bench.

## In Term.

MIDDLESEX.	LONDON.
1st sitting .. Monday, Jan. 14	1st sitting, Friday .. Jan. 18
2nd sitting .. Monday .. 21	2nd sitting, Friday .. 25
3rd sitting .. Monday .. 28	
For undefended causes only.	

## After Term.

Friday ..... Feb. 1 | Friday ..... Feb. 15

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

## Court of Common Pleas.

## In Term.

MIDDLESEX.	LONDON.
Wednesday ..... Jan. 16	Friday ..... Jan. 18
Wednesday ..... 23	Friday ..... 25

## After Term.

Friday ..... Feb. 1 | Monday ..... Feb. 11

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

## Exchequer of Pleas.

## In Term.

MIDDLESEX.	LONDON.
1st sitting, Monday .. Jan. 14	1st sitting, Friday .. Jan. 18
2nd sitting, Monday .. 21	2nd sitting, Friday .. 25
3rd sitting, Monday .. 28	

## After Term.

Friday ..... Feb. 1 | Monday ..... Feb. 11

The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

In each of the London Sittings during term there will be two days for the trial of causes.

COMMON-LAW CAUSE LISTS, HILARY TERM,  
1856.

## Court of Queen's Bench.

## NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER MICHAELMAS TERM, 1855.

<p> <i>London</i>.—Reg. v. Hancock (Pt. heard)  <i>"</i> Fray v. Potter  <i>Glamorg.</i>—Tennis v. O'Brien  <i>Derby</i>—Reg. v. Pegg  <i>Surrey</i>—Burton v. Tannahill  <i>Salop</i>—Beeston v. Weats  <i>Gloucester</i>—Jeffries v. Great Western Railway Co.  <i>Cornwall</i>—Broad v. Sloggett  <i>Somerset</i>—Bryant v. Andrews  <i>York</i>—Ackroyd v. Gill  <i>"</i> Crowther v. Appleby  <i>"</i> Brown v. Ackroyd </p>	<p> <i>York</i>—Hope v. Hayley &amp; ors.  <i>"</i> Storriker v. Faviell  <i>Durham</i>—Hawkins v. Turzill  <i>Northumberland</i>—Duxfield v. Bell  <i>Liv'pool</i>—Rourke v. Short  <i>"</i> De Olesga v. De Meaurio  <i>"</i> Postlethwaite v. Clarke  <i>"</i> Leake v. Young  <i>Tried during Term.</i>  <i>Midd.</i>—Marc v. Charles  <i>London</i>.—Pittman v. Verity. </p>
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## SPECIAL CASES AND DEMURRERS

FOR HILARY TERM, 1856.

Those marked thus \* are Special Cases, and thus † Demurrers.

## FOR JUDGMENT.

\*Clayton v. Fenwick  
\*Anderson & an. v. Baigent  
†Thompson v. Hopper  
\*Parker v. Great Western  
Railway Co.  
\*Spanish & Portuguese Screw  
Steam-shipping Co. v. Bell  
\*Wood v. Same

## FOR ARGUMENT.

†Burgoyne v. Cottrell  
†Sturgis v. Caster (Stands over  
till case of Billiter v. Young,  
in error, is disposed of)  
†Easdown v. South-eastern  
Railway Co. (Stands for  
arrangement)  
\*Weekman v. Meek  
†Caswell v. Worth & an.  
†Doel v. Sheppard & ors.  
†Clutterbuck v. Marling &  
ors.  
\*Fawcus v. Sarsfield

†Fenton & an. v. Mayor, &c.  
of the Borough of Preston  
\*Traherne & ors. v. Gardner  
Bayly & an. v. Avery (Sp. V.)  
\*Nicholson & an. v. Gooch  
†Davies v. Morland & an.  
†Denton v. Great Northern  
Railway Co.  
†Leedham v. Baxter & an.  
†Leedham v. Baxter & an.  
\*Chamberlayne v. Chamber-  
layne  
\*Waters v. Monarch Fire and  
Life Assurance Co.  
†Scott & an. v. Raynall  
\*Branstetter & an. v. Mayor, &c.  
of Colchester  
†Gabriel & an. v. Langton  
†Rowbotham v. Wilson  
\*Gillespie & ors. v. Thompson  
†Staines, Wokingham, and  
Woking Railway Co. v.  
Cook.

## ENLARGED RULES

FOR HILARY TERM, 1856.

## First Day.

Jacobs & an. v. Lawrence  
In re Bourne v. South-eastern  
Railway Co.  
Harrison v. Bush  
In re Collins  
Raworth v. Bird  
Tytell & ors. v. Connemara  
Mining Co. of Ireland  
Same v. Same  
Same v. Same  
Same v. Same

Andrews v. Elliott  
Reg. v. Local Board of Health  
of Halifax  
Same v. Lister & an.  
Same v. Same & ors.  
Second Day.  
Same v. Boardman & ors.  
Same v. Uttermere & an.  
Same v. Churchwardens of St.  
Mary, Lambeth  
Fifth Day.  
Same v. Lees.

## CROWN PAPER, HILARY TERM, 1856.

Staffordshire... Reg. v. Heaton.  
Anglesey..... Inhabitants of Llechlyched.

## Court of Common Pleas.

## NEW TRIALS.

## Moved Mich. Term, 1855.

Surrey—Douglas v. Watson  
Sussex—Simpson v. Lamb  
Stafford—Hulse v. Hulse  
Lincoln—Rodgers v. Parker  
Liverpool—Davies v. Jones

Surrey—Johnson v. Warwick  
Lond.—Holt v. Gamble  
Midd.—Tomkinson v. Staigt  
Lond.—Everitt v. Tipping  
" Melville v. Titch  
marsh.

## ENLARGED RULES.

## Second Day.

Harvey v. Nicolay

## Sixth Day.

Browne v. Emerson  
Wood v. Governor and Co. of  
Copper Mines in England

Wood v. Governor and Co. of  
Copper Mines in England  
(Until after issue at law dis-  
posed of)  
Dawson v. Williams (Until  
after action tried in Queen's  
Bench).

## DEMURRER PAPER.

## Wednesday, Jan. 16.

British Industry Life Assu-  
rance Co. v. Ward (Ordered  
to be amended)  
Morgan v. Parry (Ordered to  
be amended)  
Ribble Navigation Co. v. Har-  
greaves

Michael v. Trevivin  
Same v. Bird  
Baker v. Gray  
Midland Railw. Co. v. Bromley  
Innes v. East India Co.  
Friday, Jan. 18.  
Tatternell v. Remaley  
Kendall v. King.

## CUE. ADV. VULT.

Walker v. Bartlett | Anelay v. Lewis  
Shepherd v. Conquest.

## Court of Exchequer.

SITTINGS—HILARY TERM, 1856.

## Days in Term.

Friday.....	Jan. 11	Motions and Peremptory Paper.
Saturday.....	12	Errors, Peremptory Paper, & Motions.
Monday.....	14	.....
Tuesday.....	15	.....
Wednesday.....	16	Special Paper.
Thursday.....	17	Circuits chosen.
Friday.....	18	.....
Saturday.....	19	Crown Cases.
Monday.....	21	Special Paper.
Tuesday.....	22	.....
Wednesday.....	23	Special Paper.
Thursday.....	24	.....
Friday.....	25	.....
Saturday.....	26	.....
Monday.....	28	.....
Tuesday.....	29	.....
Wednesday.....	30	.....
Thursday.....	31	.....

## Banc.

## Days in Term.

Monday....	Jan. 14	Middlesex, first Sitting.
Friday.....	18	London, first Sitting.
Monday.....	21	Middlesex, second Sitting.
Friday.....	25	London, second Sitting.
Monday.....	28	Middlesex, third Sitting.

## Nisi Prius.

## NEW TRIALS.

## FOR JUDGMENT.

Lond.—Bovill v. Pimm

## FOR ARGUMENT.

Moved Hilary Term, 1855.

Lond.—Bovill v. Pimm (To be  
taken 1st day of T.)

Moved Easter Term, 1855.

Lond.—Central London Dis-  
trict Schools v.  
Wythes  
" Crouch v. The Great  
Northern Railway  
Co.

Moved Mich. Term, 1855.

Midd.—Lee v. Bissett  
Lond.—Oxford, Worcester,  
& Wolverhampton  
Railway Co. v.  
Scudamore  
" Fenwick v. Nevill  
" Mackenzie v. Pooley  
" Wallace v. Blackwell  
Gloucester—Hingley v. Oxford,  
&c. Railway Co.  
Newcastle—Lidman v. Gray  
" Guardians of the  
Bedford Union  
v. Patterson

Newcastle—Thew v. Pybas  
Liverpool—Bell v. Buckley  
" Whittell v. Craw-  
ford  
" Graves v. Legg  
" Hernaman v. Bow-  
ker  
Carmarthen—Jones v. Powell  
Chester—Davies v. Roper  
Warwick—Austen v. Torre  
" Brown v. Overbury  
Herts.—Lee v. Cardigan  
Maidst.—Cooke v. Hopewell  
Croydon—Ogle v. Tummons  
" Mann v. General  
Steam Naviga-  
tion Co.  
" Strachan v. Barton  
" Wiggitt v. Fox  
Winchester—Watling & an.  
v. Ekless  
Wells—Collins v. Bristol and  
Exeter Railway Co.  
Bristol—Sympson v. Lloyd  
Moved after the 4th Day of  
Mich. Term, 1855.  
Midd.—Morgans v. Clinton  
" Watson v. Lane.

## SPECIAL PAPER.

## FOR JUDGMENT.

The Earl of Lonsdale v. Bigg

(Sp. C.)

Broadbent v. Ramsbottom

(Sp. C.)

Marcom v. Bloxam (D.)

Same v. Same (Sp. C.)

Doe &amp; Hughes v. Probert

Jervis v. Tomkinson (Sp. C.)

## FOR ARGUMENT.

Guardians of the Poor of Wy-  
combe Union v. Guardians  
of the Poor of Eton Union  
(Sp. C., part heard).

Wilson v. Martin (Sp. C.,  
Same v. Rathbone, part hd.)  
Finnis v. Sonce (D.)  
Petrie v. Nettall (D.)  
Phillips v. Briard (D.)  
Cawley v. North Staffordshire  
Railway Co. (Ap.)  
Henderson v. Wawn (Ap.)  
Oakley v. Portsmouth and  
Ryde Steam Packet Co.  
(Part heard)  
Koeber v. England (D.)  
Nixon v. Green (D.)  
Robinson v. Symes (D.)



Tollmache v. London and  
South-western Railway Co. (D.)  
Kelsall v. Tyler (Sp. C.)  
Wood v. Dwaris (D.)  
Weld v. Baxter (D.)

### PEREMPTORY PAPER.

*To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.*

Carr v. Acraman | Tindall v. Stanbridge  
Haynes v. Blunt.

### PUBLIC PROSECUTORS.

*(Lord Brougham's Evidence continued from p. 516).*

**Mr. Philipps.**—Do you think that the chances of acquittal generally increase or diminish with the inferiority of the Bar: for instance, there are a few sessions left where no persons but attorneys practise; in others there are barristers of not much experience; in others barristers of very considerable experience: how do you think the bearing is generally as regards the superiority of the court; is it in favour of convictions or of acquittals?—I apprehend that it is in favour of convictions where there is a Bar attending, because the prosecutions are better conducted.

Therefore, in estimating the number of acquittals, the inferiority of a particular Bar may have an effect in producing that result?—It may, no doubt; but that want of a Bar is one of the great evils of local judicature which one is feeling at every turn. All the present system of county courts is exceedingly affected by the want of a local Bar: that is the great difficulty.

**Mr. Phillimore.**—May I take it that your Lordship agrees with this answer of my Lord Denman with regard to the general state of the question—"Our procedure for the purpose of preliminary inquiry is open to great objection. The injured party may be helpless, ignorant, interested, corrupt; he is altogether irresponsible, yet his dealing with the criminal may effectually defeat justice. On general principles, it would evidently be desirable to appoint a public prosecutor?"—Yes.

Has your Lordship any plan to suggest with regard to the machinery by which the evil may be remedied?—That is very difficult indeed; for the very crude sketch of a plan which we had in 1834 amounted really to little more than this—let us begin and try; let us proceed tentatively, and then see whether, wise by experience, we are not able to hit upon some mode which shall effect at least some of the good we want, and may not be liable to the objections; and then, after that, we shall be able to put it into shape. But at present the difficulty is very great of having in every county or two counties in England a local public prosecutor.

Would your Lordship think this system objectionable, namely, not to have anybody resident except a district agent, for the purpose of collecting and methodising the evidence, to whom, in case of injury, the injured party might go; but to have chosen from the members of each circuit two or more gentlemen to fill the office of public prosecutor, and to undertake the management of prosecutions, not obliging those two or more barristers to reside always upon the spot, to which I think there would be many objections?—I think there would be a very great advantage gained by even one part of your proposition being adopted, by having a local agent to superintend the preparation of the evidence and the getting up of the case, as it were, which should be brought before the grand jury, even if it went no further than that, the agent having the benefit of a locally resident counsel.

The objection with which I have been most frequently encountered, with regard to the appointment which is suggested to your Lordship, has been this,

that it would give such prodigious patronage to the Crown; does your Lordship think that that is—I will not say a serious objection—an objection it certainly is; but does your Lordship think it an insuperable objection?—I should say that it is an objection which one might overcome. For example, I had a great objection formerly to county courts, for fear of the great increase of patronage of the Crown; but feeling the absolute necessity of having some local judicature, I must say I got over that objection as early as 1830. These deputies ought to be irremovable. . . .

I propose that the two Chief Justices and the Lord Chancellor shall have the power of removing them, in case of negligence or misconduct?—I consider that it should be so, decidedly. *Dum bene se gesserint* includes not merely corruption, but inefficiency, or other defects—a very bad temper, for instance.

Then I understand your Lordship to be clearly of opinion that the appointment of attorneys to digest and methodise the evidence for the prosecution in certain districts is clearly desirable?—Clearly desirable, even if it stops there for the present. I look forward to its being possible by degrees to extend it, even to making it a complete system; but I have no hope of that being done at present.

Then your Lordship has no particular suggestion further to make with regard to the machinery by which this system should be carried into effect?—None whatever. I think it ought to be done experimentally, tentatively, and that you should begin upon a moderate scale if you can. According to the scale which I suggested, it would be the Central Criminal Court, which is as large as all Scotland in point of jurisdiction.

**Mr. Watson.**—Is your Lordship aware of the mode in which the prosecutions are conducted in Liverpool and Manchester by a person in the nature of a public prosecutor?—In my time, on the circuit, the clerk of the peace generally employed the same counsel to prosecute and to draw the indictment.

I believe in Liverpool there is a person in the nature of a public prosecutor, who gets up all the prosecutions, receiving a stated salary?—Just so; and in the West Riding, and in Durham and Northumberland, the same counsel are always employed.

There they are not paid by salary, I believe?—No.

*The Lord Advocate of Scotland gave the following Account of the Scotch System.*

The system proceeds upon the principle, that it is the duty of the State to detect crime, apprehend offenders, and punish them, and that independently of the interest of a private party. The Scotch system acknowledges the right of a private party to prosecute; but the duty of the public prosecutor is altogether irrespective of that. The staff, if I may so call it, of the public prosecutor is as follows:—The Lord Advocate is the head of the criminal department; under him he has four advocates-depute, and these do the business that a barrister properly does in criminal cases; their duty is to advise in the proceedings while they are going on, in the collection of evidence in the country, and, when the evidence is completed, to draw the indictment, and to attend the trial, and take the ordinary part in procuring a conviction. The Solicitor-General is also, in his criminal capacity, a depute of the Lord Advocate; he holds a deputation from the Lord Advocate as such. There is a Crown agent, who is the Crown attorney of the Lord Advocate, appointed by him, and subject to his orders, and removable with the Lord Advocate; he is a political officer, and he goes out of office with the Lord Advocate; but the Crown Office is permanent, and consists of a considerable number of clerks, who are not changed in practice with the Government. The advocates-depute do go out with the Government; so that the political staff substan-

tially consists of the Solicitor-General, appointed by the Crown; the advocates-depute, who are appointed by the Lord Advocate; and the Crown agent. The means of detecting and punishing crime in the country consist in the first place of the procurator fiscal; there is a procurator fiscal for each county, and a procurator fiscal for some of the larger boroughs. In the counties he is appointed by the sheriff; in the boroughs he is appointed by the town council; but he is directly under the orders of the Lord Advocate and his depute. The mode in which the system operates is this. The procurator fiscal receives information that a crime has been committed; his duty is to make immediate inquiry; if any person is suspected, he applies to the sheriff for a warrant to apprehend him; he does apprehend him, and the party is taken before the sheriff for examination, and upon that occasion the declaration is taken; the party is cautioned that he need not speak unless he likes, and then he is asked by the procurator fiscal, in the presence of the sheriff, any questions which seem to be material; and his answers are taken down, and may be used against him in evidence. Then, if there appears to be ground for an immediate warrant to commit, he may be committed at once; the usual course is to commit him for further examination, and then the procurator fiscal takes what is called a precognition—that is to say, he examines the witnesses whom he can discover, not publicly, but privately; they are not properly depositions, but they are statements taken down by the fiscal, and signed by the witnesses; and if the case is at all of importance to warrant it, he sends this precognition to the Crown agent. The witnesses may be examined on oath; but this is not usually done unless the witness is reluctant. The precognition is sent by the Crown agent to the advocate-depute of the district in which the crime has been committed; it is his business to read it over, and if he is satisfied, may order no further proceedings; or he sends down to the fiscal to have the party committed until liberated in due course of law, if that has not been already done, and proceeds to indict; but if the advocate-depute is not satisfied, he either sends it back to the fiscal for further investigation, or he comes to consultation with the Lord Advocate. We meet twice a week, and where the advocate-depute has any difficulty, he brings it to consultation, and in that way great uniformity is obtained, both in prosecuting and in the preliminary proceeding. Then the question is, where the party is to be tried. He may be tried before the sheriff, or before the circuit, or before the High Court of Justiciary. If it is a small offence, such as an ordinary theft, the general course is to send the party to be tried by the sheriff, either with or without a jury, and then the procurator fiscal attends and prosecutes. If, on the other hand, the party is an old offender, and he is indicted at the circuit, the advocate-depute attends. If it is a serious offence, or committed within the home circuit, he is tried before the High Court of Justiciary; and in that way it appears to me that the machinery works remarkably well. How it would do upon a larger scale I can hardly say; but from Scotland being limited in extent, so far as my experience goes, I think it answers all the objects of such an institution very well indeed. I can say, from my own experience, that it operates fully as much in the protection of innocent persons against unfounded accusations as it does in the detection of crime; and for my own part I think that the want of publicity in the first examinations, if you have, as we have, a sufficient check in the superintendence such as I have described, tends very much indeed to the detection of the guilty; and I do not believe that our procurators fiscal would think it any advantage to have the witnesses examined in public. That is the system which we follow. These consultations, which we hold twice a week, have been found to be of

very great advantage, because they methodise the law; and I think the whole criminal procedure is now reduced into a very uniform and good system. . . . Generally a leading attorney in the county town is the procurator fiscal. . . . There are four advocates-depute. . . . They are practising barristers, and reside in Edinburgh. They are paid about 500*l.* a year. . . . I think that in England it would be impossible to make the system work as it does in Scotland, without having a special department for the purpose of superintending the administration of criminal justice. At the same time, I think that a staff of advocates-depute, as we call them—that is to say, a staff of barristers in London, but considerably larger—would be able to overtake the work. . . . There is no allowance, properly speaking, for witnesses of prisoners; it depends very much upon the particular case whether assistance is given or not. I have it in my power either to direct the procurator fiscal to include particular witnesses in the Crown list; or if a representation is made of a very important witness or a very poor person, we make an arrangement with those acting for the prisoner, that in the event of its appearing to be a reasonable case after trial, an allowance shall be made. . . . I think it right to say, that while the Scotch system is remarkably well adapted, in my opinion, for the detection of crime, (much more so than a system of great publicity), it seems to me essential, in order to make that system safe in a free country, that there should be a very direct responsibility.

*Mr. W. Ewart.*—Is it your opinion that it is of great advantage to the administration of criminal justice in Scotland that the Lord Advocate is a member of the House of Commons?—I think the system would be quite intolerable without it, because it would put in his power that which should not be in the power of any man who is not responsible to Parliament.

Therefore you suggest, supposing there were such an officer as a Minister of Justice, that he should be a member of the Legislature?—My idea is that he should sit in Parliament like any Secretary of State.

*Mr. Phillimore.*—In Scotland the tremendous power which exists arises from the fact, that practically the Lord Advocate has the power of saying that a man shall or shall not be prosecuted?—Not merely prosecution, but the power of restraining liberty.

Supposing it is still practically left open to the aggrieved person to carry on his prosecution, though the public prosecutor refuses to assent to it, that reason would not be so strong?—No; and probably in England it might operate as a check; in Scotland it would not, because the system is so settled.

*Mr. Watson.*—Has any complaint ever been made in times of political commotion of this power of the Lord Advocate to prosecute?—No doubt, in the political prosecutions at the end of the last century and the beginning of this, there was a great deal of complaint about it.

*Mr. Walpole.*—That might arise again in the event of political excitement running high?—It might, and very probably would; but, at the same time, the stringency of the Crown law has been a good deal relaxed since then. At that time the judges chose the jury, the list was that of the judges, instead of balloting as they do now; and there are various other improvements.

The juries have much greater power than they had?—Much more real power.

*Mr. Watson.*—What is the number of the jury?—Fifteen; and the majority decide.

*Mr. Phillimore.*—I understand you to say that the Scotch system gives satisfaction to the people?—I should say very great satisfaction, and the results necessarily lead to it.

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## MEETINGS.

*Hugh Jones*, Chester, grocer, Jan. 11 at 11, Liverpool, pr. d.—*Edward Ablewhite*, South Audley-street, Grosvenor-sq., coachbuilder, Jan. 11 at 12, London, aud. ac.—*B. French*, St. Mary's-terrace, Walworth-road, Surrey, stationer, Jan. 21 at 1, London, aud. ac.—*James Purdy* and *Wm. T. Purdy*, King's Lynn, Norfolk, builders, Jan. 12 at 12, London, aud. ac.—*Wm. Buxton*, *John Buxton*, and *Samuel S. Buxton*, Carlisle, Cumberland, and Bradford, Yorkshire, woolstaplers, Jan. 12 at 1, London, aud. ac. joint and sep. ests.—*J. Williams*, Gravesend, pawnbroker, Jan. 12 at 1, London, aud. ac.—*Anthony Gibson*, Lloyd's Coffee-house, Royal Exchange, underwriter, Jan. 12 at 1, London, aud. ac.—*Edward Titcomb*, Clewer, Berkshire, builder, Jan. 12 at 1, London, aud. ac.—*William Ivory*, Norwich, wholesale grocer, Jan. 12 at half-past 12, London, aud. ac.—*James Barney*, Adde-street, Wood-street, warehouseman, Jan. 12 at 12, London, aud. ac.—*Thomas Gardiner*, Paul-street, Finsbury, licensed victualler, Jan. 12 at 1, London, aud. ac.—*Fred. N. Baker*, Southampton, timber merchant, Jan. 12 at 12, London, aud. ac.—*Charles W. Taylor*, Epping, Essex, draper, Jan. 13 at 11, London, aud. ac.—*John Nicholson*, Walton Lodge, West Derby, Lancashire, surgeon, Jan. 11 at 11, Liverpool, aud. ac.—*A. Platts*, Sheffield, tailor, Jan. 12 at 10, Sheffield, aud. ac.—*Robert Turner*, Worthing, Sussex, draper, Jan. 22 at 12, London, div.—*James Perry*, Harlow, Essex, grocer, Jan. 22 at 1, London, div.—*Thomas Routledge* and *Joseph Routledge*, Lett's wharf, Commercial-road, Lambeth, saw-mill proprietors, Jan. 23 at 11, London, div. sep. est. of *Thomas Routledge*.—*John C. Lucas* and *Thomas Lucas*, Aldersgate-street, wholesale druggists, Jan. 23 at 12, London, div.—*Henry Wyld*, New Cavendish-street, Portland-place, St. Marylebone, music seller, Jan. 23 at 12, London, div.—*James Balding*, King's Arms-place, Old Kent-road, hat manufacturer, Jan. 23 at half-past 12, London, div.—*Charles White Taylor*, Epping, draper, Jan. 26 at 11, London, div.—*Horatio Collier* the younger, Slad Mill, Painswick, Gloucestershire, blanket manufacturer, Jan. 31 at 11, Bristol, div.—*John L. Ward*, Burnley, Lancashire, cotton spinner, Jan. 22 at 12, Manchester, div.—*B. Bagland* and *W. Cramp-ton*, Bedford, near Leigh, Lancashire, cotton manufacturers, Jan. 22 at 12, Manchester, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Richard Butler*, Pickering-terrace, Bayswater, ironmonger, Jan. 22 at 12, London.—*Edward Redwood* the younger, Windmill-street, Lambeth, china dealer, Jan. 22 at half-past 11, London.—*John Grogan*, Stockbridge-terrace, Pimlico, musical instrument dealer, Jan. 24 at half-past 12, London.—*Thomas E. King*, Guildford, Surrey, bookseller, Jan. 22 at 1, London.—*Henry Wyld*, New Cavendish-street, Portland-place, St. Marylebone, music seller, Jan. 23 at 1, London.—*Hugh Williams* the elder and *John Williams*, West Smithfield, tailors, Jan. 23 at half-past 11, London.—*Chas. Avery*, Fenchurch-street, colonial broker, Jan. 25 at half-past 12, London.—*J. C. Sanford*, Paternoster-row, stationer, Jan. 23 at half-past 2, London.—*Joseph Brown*, Weymouth, Dorsetshire, leather seller, Jan. 24 at 1, Exeter.—*Thomas Kingdon*, Netherex, Devonshire, cider merchant, Jan. 24 at 1, Exeter.—*Robert Burns*, Liverpool, millwright, Jan. 23 at 11, Liverpool.

To be granted, unless an appeal be duly entered.

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Sect. 1. Power to her Majesty to accept the voluntary offers of the militia to serve out of the United Kingdom.

2. Power to allow bounties to persons making voluntary offers. Oath. Inrolment.

3. Commanding officers shall explain that the offer is to be voluntary.

4. The services of three field officers may be accepted with 900 men, two field officers with 600 men, and one with 300, &c., and proportion of other officers according to establishment of regiment.

5. Power to her Majesty to form the militia for extended service into such provisional regiments or battalions, and to appoint field officers to such provisional regiments.

6. Provisions for cases where field officers volunteer and militia officers are appointed to higher ranks.

7. No militia officer to rank higher than lieutenant-colonel.

8. In case sufficient officers do not volunteer, her Majesty may appoint officers.

9. Her Majesty may supply vacancies.

10. Militia on extended service subject to Mutiny Act as regulars, and militia officers and officers of regular forces to sit indiscriminately on courts-martial.

11. To continue militia, and remain subject to militia regulations, except as particularly provided.

12. Regulations may be made for retaining officers on the establishment of the militia after the expiration of extended service.

13. Her Majesty may make regulations for retaining officers, non-commissioned officers, and drummers as supernumeraries.

14. Subalterns after five years may be captains without qualifications.

15. Notices sent by post to be good.

16. Act to extend to the miners of Cornwall and Devon.

## CAP. II.

An Act to permit Foreigners to be enlisted and to serve as Officers and Soldiers in her Majesty's Forces. [23rd December, 1854.]

Sect. 1. Foreigners may be enlisted, and commissions may be granted to foreigners, to be formed into separate corps.

2. Men serving under this act not to be employed in United Kingdom, except for being trained &c. for foreign service, or for training recruits. Such men not to be billeted &c. Number of men limited.

3. Attestation on enlistment, and oath.

4. Mutiny Act and Articles of War to apply to foreigners serving under this act.

5. Officers when reduced not entitled to half-pay, but her Majesty may make provision for such as are wounded &c.

6. Continuance of this act.

## CAP. III.

An Act to carry into effect a Treaty between her Majesty and the United States of America. [19th February, 1855.]

## CAP. IV.

An Act to amend the Act for limiting the Time of Service in the Army. [27th February, 1855.]

Sect. 1. Power to her Majesty, by Order in Council, for three years after passing of act, to lessen terms for enlistment and re-engagement of soldiers.

## CAP. V.

An Act to apply the Sum of Three Millions Three Hundred Thousand Pounds out of the Consolidated Fund to the Service of the Year ending the 31st March, 1855, [5th March, 1855.]

## CAP. VI.

An Act to apply the Sum of Twenty Millions out of the Consolidated Fund to the Service of the Year 1855. [5th March, 1855.]

## CAP. VII.

An Act to extend to Ireland the Provisions of the Eighteenth Section of the Common-law Procedure Act, 1854. [16th March, 1855.]

## CAP. VIII.

An Act for raising the Sum of Seventeen Millions One Hundred and Eighty-three Thousand Pounds by Exchequer Bills for the Service of the Year 1855. [16th March, 1855.]

## CAP. IX.

An Act to suspend the Decline of the Customs Duties on Tea from and after the 5th April, 1855. [16th March, 1855.]

## CAP. X.

An Act to enable a third Principal Secretary and a third Under Secretary of State to sit in the House of Commons. [16th March, 1855.]

Sect. 1. *Power to any three of the principal secretaries and any three of the under secretaries of state to sit in the House of Commons.*

Sect. 1. Whereas under the provisions of an act of the 6 Ann. c. 7, and of an act of the 22 Geo. 3, c. 82, not more than two of her Majesty's principal secretaries of state are capable of sitting as members of the House of Commons at the same time, and by reason of the said act of the 22 Geo. 3, c. 82, and of an act of the 15 Geo. 2, c. 22, doubts are entertained whether more than two of the under secretaries to the principal secretaries of state are capable of sitting as such members: and whereas it would be for the advantage of the public service that three of such principal secretaries and three of such under secretaries should be capable of sitting at the same time in the House of Commons: be it enacted &c., that any three of her Majesty's principal secretaries of state for the time being, and any three of the under secretaries for the time being to her Majesty's principal secretaries of state, may sit and vote as members of the House of Commons, anything in the said acts or in any other act or acts to the contrary notwithstanding; but not more than three such principal secretaries and not more than three such under secretaries shall sit as members of the House of Commons at the same time.

## CAP. XI.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [16th March, 1855.]

## CAP. XII.

An Act for the Regulation of her Majesty's Royal Marine Forces while on Shore. [16th March, 1855.]

## CAP. XIII.

An Act to explain and amend the Lunacy Regulation Act, 1853. [26th April, 1855.]

**Sect. 1.** *Lord Chancellor, in matters of lunacy, enabled to empower committees of estates to grant leases binding on issue or remaindermen.*

2. *Interpretation.*

Whereas by the section numbered 129 of an act passed in the 16 & 17 Vict., intituled "An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition, and their Estates," it was enacted, that where a lunatic is seised or possessed of or entitled to land in fee or in tail, or to leasehold land for an absolute interest, and it appears to the Lord Chancellor, intrusted as in the said act mentioned, to be for his benefit that a lease or underlease should be made thereof for terms of years, for encouraging the erection of buildings thereon, or for repairing buildings actually being thereon, or otherwise improving the same, or for farming or other purposes, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor, intrusted as aforesaid, make such leases of the land, or any part thereof, according to the lunatic's estate and interest therein, and to the nature of the tenure thereof, for such term or terms of years, and subject to such rents and covenants, as the Lord Chancellor, intrusted as aforesaid, shall order: and whereas it has been considered that the Lord Chancellor, intrusted as aforesaid, cannot by force of the said enactment empower the committee of a lunatic tenant in tail to grant leases as extensively as was intended by the said enactment, which will bind his issue in tail and the remaindermen: and whereas it is expedient to explain and enlarge the power of the Lord Chancellor, intrusted as aforesaid, in the matter aforesaid: be it therefore enacted &c. as follows:—

**Sect. 1.** Where a lunatic is seised of or entitled to land in tail, and it appears to the Lord Chancellor, intrusted as aforesaid, to be for his benefit, the committee of the estate may, in the name and on behalf of the lunatic, under order of the Lord Chancellor, intrusted as aforesaid, make any such leases of the land, or any part thereof, as in the said section of the said act are mentioned, and every such lease shall be good and effectual in law against the lunatic and his heirs, and all persons claiming the lands entailed by force of any estate tail which shall be vested in such lunatic, and also against all persons, including the Queen's most excellent Majesty, her heirs and successors, whose estates are to take effect after the determination of, or in remainder or reversion expectant upon, such estate tail, according to such estate as is comprised and specified in every such lease, in like manner as the same would have been good and effectual in law if the lunatic at the time of the making of such leases had been lawfully seised of the same lands comprised in such lease of a pure estate in fee-simple to his own use, and had been of sound mind, and not the subject of a commission of lunacy, and had himself granted such lease; and every person to whom from time to time the reversion expectant upon the lease shall belong after the death of the lunatic shall and may have such and the like remedies and advantages, to all intents and purposes, against the leasee, his executors, administrators, and assigns, as the lunatic or his committee would or might have had against him or them; and the powers given by sections numbered 130 and 131 of the said recited act shall and are to operate as extensively as the power given by the said sect. 129 of the said act as explained and enlarged by this act.

2. Where any of the expressions in this act are used in the said recited act, they shall receive the same interpretation in this act as by the said recited act is imposed upon them.

## CAP. XIV.

An Act to authorise the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales. [26th April, 1855.]

## CAP. XV.

An Act for the better Protection of Purchasers against Judgments, Crown Debts, Cases of Lis Pendens, and Life Annuities or Rent-charges. [26th April, 1855.]

**Sect. 1.** *Judgments of common-law palatine courts obtained before the coming into operation of the 1 & 2 Vict.*

*c. 110, and not registered under the same, not to affect lands, &c., unless registered within limited time. Fee for entry of judgments.*

2. *Certain provisions of the 1 & 2 Vict. c. 110, extended to common-law palatine courts, and to equity court of Durham.*
3. *Certain provisions of the 2 & 3 Vict. c. 11, and the 3 & 4 Vict. c. 82, extended to common-law and equity courts of counties palatine.*
4. *No judgment, &c. registered under the 3 & 4 Vict. c. 82, to affect lands, &c. as to purchasers, &c. until registered.*
5. *Purchasers protected against judgments not re-registered.*
6. *Provision for re-registration explained.*
7. *Judgments of inferior courts, when removed, shall be registered.*
8. *Extinguished judgments not revived.*
9. *Duties of prothonotary. Fees for registration and searches.*
10. *No order of Court of Bankruptcy to affect lands, &c. until registered.*
11. *Legal estate vested in purchaser or mortgagee not to be taken in execution.*
12. *Life annuities and rent-charges not to affect lands, &c. until memorandum left with senior Master.*
13. *Searches may be made by parties themselves.*
14. *Annuities, &c. given by will excepted from act.*

Whereas an act of Parliament was passed in the 1 & 2 Vict. [c. 110], intituled "An Act for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in England;" and another act in the 2 & 3 Vict. [c. 11], intituled "An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Fiats in Bankruptcy;" and another act in the 3 & 4 Vict. [c. 82], intituled "An Act for further amending the Act for abolishing Arrest on Mesne Process in Civil Actions:" and whereas the provisions of the said acts respecting judgments, decrees, orders, and rules, and lis pendens, ought to include and be applicable to the counties palatine of Lancaster and Durham, and the common-law and equity courts thereof respectively: and whereas an act was passed in the 13 & 14 Vict. [c. 43, s. 24], intituled "An Act to amend the Practice and Proceedings of the Court of Chancery of the County Palatine of Lancaster," by force whereof the said provisions do to some extent include and are applicable to the county palatine of Lancaster, as far as regards the Court of Chancery thereof: be it therefore enacted &c. as follows:—

**Sect. 1.** Any judgment of the Court of Common Pleas of the county palatine of Lancaster, or of the Court of Pleas of the county palatine of Durham, obtained before the coming into operation of the said act of the 1 & 2 Vict. [c. 110], and not already registered in the said courts respectively under the provisions of the same act, and which shall not be registered in the said courts respectively under the same provisions as amended by this act on or before the 1st November, 1855, shall not after that day affect any lands, tenements, or hereditaments in the said counties palatine respectively, as to purchasers, mortgagees, or creditors, unless and until such memorandum or minute of such judgment as is in the said act prescribed shall be left with the prothonotary of the court in which the judgment has been obtained, who shall forthwith enter the same in manner by the same act as amended by this act directed in regard to judgments thereby authorised to be registered, and shall be entitled for every such entry to the sum of 2s. 6d.; and the provision for re-registration, toties quoties, hereinafter mentioned, as explained by this act, is hereby extended and applied, mutatis mutandis, to judgments registered under this present provision.

2. And be it declared and enacted as follows:—The provisions contained in the sections of the act of the 1 & 2 Vict. [c. 110], numbered respectively 18, 19, and 20, giving to certain rules of courts of common law, and decrees and orders of courts of equity, the effect of judgments in the superior courts of common law, and constituting the persons therein mentioned judgment creditors, and giving to courts of equity the powers by the same act given to the judges of the said superior courts, and giving to the persons so constituted judgment creditors as

aforesaid such remedies as are therein mentioned, and authorising the registration of such decrees, orders, and rules as aforesaid, and providing for the writs to be sued out of courts of equity, shall extend and are applicable, *mutatis mutandis*, to the said counties palatine and the courts of common law thereof respectively, and to the Court of Chancery of the county palatine of Durham, within the limits of their respective jurisdictions, to the end that the same law in the respects aforesaid may apply to the courts of the said counties palatine, and the decrees, orders, judgments, and rules thereof, so far as relates to lands, tenements, and hereditaments within the jurisdiction of such courts respectively, as under the previous statutes amended by this act will regulate the operation of judgments in the superior courts of common law; but no judgment, decree, order, or rule of any court shall bind lands, tenements, and hereditaments in the said counties palatine respectively, as against purchasers, mortgagees, or creditors, unless and until such memorandum or minute thereof as hereinbefore is mentioned shall be left with the prothonotary of the palatine court in which are situated the lands, tenements, and hereditaments intended to be charged thereby.

3. The provisions contained in the sections of the said act of the 2 & 3 Vict. [c. 11], numbered respectively 3, 4, 5, and 7, and in the section of the said act of the 3 & 4 Vict. [c. 82], numbered 2, respecting the particulars to be inserted in the register by the Master, and respecting the re-registration of judgments, decrees, or orders and rules, and respecting the registration and re-registration of his pendens, and respecting the protection of purchasers, mortgagees, and creditors, as explained or amended by this act, shall extend and are applicable, *mutatis mutandis*, to the counties palatine and the courts of common law and courts of chancery thereof respectively, within the limits of their respective jurisdictions.

4. And whereas the protection afforded to purchasers, mortgagees, and creditors by the said act of the 3 & 4 Vict. [c. 82], against judgments, decrees, orders, or rules not duly registered, any notice thereof notwithstanding, is confined to judgments, decrees, orders, or rules binding by virtue of the said act of the 1 & 2 Vict.: and whereas the docket or register previously in use has been closed, and the said provision ought not to be so restricted: be it therefore enacted, that no judgment, decree, order, or rule which might be registered under the said act of the 1 & 2 Vict. shall affect any lands, tenements, or hereditaments, at law or in equity, as to purchasers, mortgagees, or creditors, unless and until such a memorandum or minute as in the said act in that behalf mentioned shall have been left with the proper officer of the proper court, any notice of any such judgment, decree, order, or rule to any such purchaser, mortgagee, or creditor in anywise notwithstanding.

5. And whereas it is expedient that certain doubts which have arisen upon some of the provisions for the protection of purchasers against judgments in the said acts contained should be removed: be it therefore declared and enacted as follows:—The provision contained in the section numbered 2 of the said act of the 3 & 4 Vict. extends and shall be deemed to extend as well to the act therein referred to as to the section numbered 4 of the said act of the 2 & 3 Vict., as explained by this act, so that notice of any judgment, decree, order, or rule not duly re-registered shall not avail against purchasers, mortgagees, or creditors, as to lands, tenements, or hereditaments.

6. Where by the said act of the 2 & 3 Vict. re-registrations of judgments, decrees, orders, or rules is required within such period of five years as is therein mentioned, in order to bind purchasers, mortgagees, and creditors, it shall be deemed sufficient to bind such purchasers, mortgagees, and creditors if such a memorandum or minute as was required in the first instance is again left with the senior Master of the Common Pleas within five years before the execution of the conveyance, settlement, mortgage, lease, or other deed or instrument vesting or transferring the legal or equitable right, title, estate, or interest in or to any such purchaser or mortgagee for valuable consideration, or as to creditors within five years before the right of such creditors accrued, as directed by the said last-mentioned act, although more than five years shall have expired by effluxion of time since the last previous registration before such last-mentioned memorandum or minute was left, and so toties quoties upon every re-registrations.

7. Where by the section numbered 22 of the said act of the 1 & 2 Vict. power is given to remove judgments, rules, or orders obtained in or made by certain inferior courts into the said superior courts, or into the Court of Common Pleas of

Lancaster, as the case may be, no such judgment, rule, or order which has already been, or hereafter shall be, so removed shall bind any lands, tenements, or hereditaments as to purchasers, mortgagees, or creditors, unless and until after such removal it shall be registered, and if necessary re-registered, in like manner as, in order to bind such purchasers, mortgagees, or creditors, it must have been if originally entered up in one of the said superior courts, or in the said Court of Common Pleas of Lancaster, as the case may be; but from and after the passing of this act every such judgment, rule, or order so registered, and where necessary re-registered, shall be binding in like manner, but not further or otherwise, as other judgments, rules, or orders of the said superior courts, or of the said Court of Common Pleas of Lancaster respectively, and the proviso at the end of the said sect. 22 restricting the operation of the same is hereby repealed.

8. Nothing herein contained shall extend to revive or restore any judgment which shall be extinguished or barred, or to affect or prejudice any such judgment, or any decree, order, or rule, as between the parties thereto, or their representatives, or those deriving as volunteers under them.

9. For the purposes of any registration or re-registration to be made in pursuance of this act in either of the said counties palatine, all such acts and things as under the provisions of the said several acts of the reign of her Majesty ought to be done by or left with the senior master of the Court of Common Pleas at Westminster shall be done by or left with the prothonotary or deputy prothonotary of the Court of Common Pleas of the county palatine of Lancaster, or of the Court of Pleas of the county palatine of Durham, as the case may require, or such other officer (if any) of the same courts respectively as may for the time being have been appointed by the same courts respectively, for the purpose of entering the judgments thereof respectively, under the provisions of the said act of the 1 & 2 Vict.; and the said prothonotary, deputy prothonotary, or other officer as aforesaid, shall be entitled to the sum of 2s. 6d., and no more, for the duties to be performed on every registration, and the sum of 1s. only for re-registration; and all persons shall be at liberty to search all or any of the books kept in pursuance of any of the foregoing provisions of this act in each court for the sum of 1s.

10. And whereas by the section numbered 123 of the Bankrupt-law Consolidation Act, 1849, when any person admits (in manner therein mentioned) that he is indebted to a bankrupt, it is enacted, that every order of the Court of Bankruptcy for the payment by such person of the amount so admitted, and costs, (if any), shall have the effect of a judgment in the said superior courts, and may be enforced accordingly; and by the section numbered 249 of the same act it is enacted, that the said court may in all matters before it award costs, and that the like remedies may be had upon an order of the said court for costs as upon a rule of any of the said superior courts for costs, but the said act does not direct the registration of any such order as aforesaid: be it therefore enacted as follows:—No such order of the Court of Bankruptcy for payment of money or of costs as aforesaid shall affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until it shall be registered, and if necessary re-registered, in like manner as, in order to bind such purchasers, mortgagees, or creditors, it must have been if it had originally been a judgment or rule obtained or entered up in one of the said superior courts or in the said palatine courts respectively, any notice of any such order to any such purchaser, mortgagee, or creditor in anywise notwithstanding.

11. And whereas great delay and expense are occasioned upon purchases and mortgages of lands in consequence of judgments against mortgagees and Crown debts and liabilities to the Crown of mortgagees continuing to bind lands, although the mortgagees have been *bonâ fide* paid off, and the lands have been actually conveyed to purchasers, or to other mortgagees: for remedy whereof, be it enacted as follows:—Where any legal or equitable estate or interest, or any disposing power in or over any lands, tenements, or hereditaments, shall, under any conveyance or other instrument executed after the passing of this act, become vested in any person as a purchaser or mortgagee for valuable consideration, such lands, tenements, or hereditaments shall not be taken in execution under any writ or elegit, or other writ of execution, to be sued upon any judgment, or any decree, order, or rule against any mortgagee or mortgagees thereof, who shall have been paid off prior to or at the time of the execution of such conveyance, nor shall any

such judgment, decree, order, or rule, or the money thereby secured, be a charge upon such lands, tenements, or hereditaments so vested in purchasers or mortgagees, nor shall such lands, tenements, or hereditaments so vested in purchasers or mortgagees be extended or taken in execution, or rendered liable under any writ of extent or writ of execution or other process issued by or on behalf of her Majesty, her heirs or successors, in respect of any judgment, statute, or recognition obtained against or entered into by, or inquisition found against, or obligation or specialty made by, or acceptance of office by any mortgagee or mortgagees, whereby he or they hath or have become or shall become a debtor or accountant, or debtors or accountants to the Crown, where such mortgagee or mortgagees shall have been paid off prior to or at the time of the execution of such conveyance as aforesaid.

12. And whereas by reason of the repeal in the last session of Parliament of the act of the 53 Geo. 3, c. 141, requiring the enrolment of life annuities or rent-charges, purchasers are no longer enabled to ascertain by search what life annuities or rent-charges may have been granted by their vendors or others: be it therefore enacted &c. as follows:—Any annuity or rent-charge granted after the passing of this act, otherwise than by marriage settlement, for one or more life or lives, or for any term of years or greater estate determinable on one or more life or lives, shall not affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until a memorandum or minute containing the name, and the usual or last known place of abode, and the title, trade, or profession of the person whose estate is intended to be affected thereby, and the date of the deed, bond, instrument, or assurance whereby the annuity or rent-charge is granted, and the annual sum or sums to be paid, shall be left with the senior Master of the Court of Common Pleas at Westminster, who shall forthwith enter the particulars aforesaid in a book, in alphabetical order, by the name of the person whose estate is intended to be affected by the annuity or rent-charge, together with the year and the day of the month when every such memorandum or minute is so left with him, and he shall be entitled for every such entry to the sum of 2s. 6d., and all persons shall be at liberty to search the same book, together with the other books or registers in the office, on payment of the sum of 1s.

13. The searches of the several registers, by the said recited acts or by this act authorised to be made for the sum of 1s., may be made by the parties themselves, under proper regulations in the office, and the sum of 1s. only shall be payable on one search, although more names than one shall be searched for where such names relate to the same purchase, mortgage, or other transaction.

14. The provisions of this act shall not extend to require the registry of annuities or rent-charges given by will.

#### CAP. XVI.

An Act to authorise the letting Parts of the Royal Forests of Dean and Woolmer, and certain other Parts of the Hereditary Possessions of the Crown. [26th April, 1855.]

#### CAP. XVII.

An Act to carry into effect a Convention between her Majesty and the King of Sardinia. [26th April, 1855.]

#### CAP. XVIII.

An Act for raising the Sum of Sixteen Millions by way of Annuities. [5th May, 1855.]

Sect. 1. Contributors entitled to 100l. in the 3l. per Cent. Consols, and to an annuity of 14s. 6d. for thirty years.

2. Contributors who have made deposits to pay the remainder of subscriptions by instalments.

3. Power to guardians, &c. to subscribe for infants.

4. Contributors entitled to certain annuities payable half-yearly.

5. Time at which stock may be transferred.

6. Contributors may anticipate payments.

7. Commencement of dividends.

8. Annuities payable and transferable at the Bank.

9. Money to be issued out of the Consolidated Fund for payment of annuities and charges in respect of 16,000,000l.

10. And shall be charged upon the said fund.

11. The Bank to appoint a cashier and an accountant-general, and the Treasury to order money to be issued to the cashier for payment of annuities.

12. Cashier to give receipt for subscriptions which may be assigned before the 18th December, 1855. Cashier to give security for paying the money he receives into the Exchequer.

13. A book to be kept in the accountant-general's office for entering contributors' names, a duplicate whereof to be transmitted to the Exchequer.

14. Subscriptions paid in part, and not completed, forfeited.

15. Annuities to be deemed personal estate.

16. Power to Treasury to apply the money paid into the Exchequer.

17. Accountant-general to keep books for entering transfers. Transfers not liable to stamp duties.

18. Treasury to defray incidents.

19. Allowance for the expense of management.

20. Three per Cent. Annuities created by this act to be added to the joint stock of the 3l. per Cent. Consols.

21. Terminable annuities created by this act may be transferred to and from England and Ireland.

22. Sinking fund.

23. Persons counterfeiting receipts for contributions, &c. guilty of felony.

24. Bank to continue a corporation till the annuities hereby granted shall be redeemed, or shall cease.

25. No fee to be taken for receiving contributions or paying or transferring annuities, on penalty of 20l.

26. Persons sued may plead the general issue.

#### CAP. XIX.

An Act to remove Doubts as to the Commissions of Officers of Militia in Ireland who have omitted to deliver unto the Clerk of the Peace Descriptions of their Qualifications, and to indemnify them against the Consequences of such Omission; and to amend the Law relating to the Militia in Ireland. [25th May, 1855.]

#### CAP. XX.

An Act for granting to her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices. [25th May, 1855.]

Sect. 1. Additional rate of 2d. in the pound on income tax to be charged from the 5th April, 1855.

2. All relief, abatement, and deduction to be proportionate to the increased rate of duty granted by this act.

3. Duty to be assessed and raised under the provisions of recited acts.

4. Continuance of duties.

5. Continuance of act for recovery of arrears of duty, &c.

#### CAP. XXI.

An Act for granting certain Duties of Customs on Tea, Coffee, Sugar, and other Articles. [25th May, 1855.]

#### CAP. XXII.

An Act for granting certain additional Rates and Duties of Excise. [25th May, 1855.]

Sect. 1. Grant of duties of excise as in Schedule (A). Allowance and drawbacks as in Schedule (B).

2. Drawback on spirit mixtures to cease, except as to made wines.

3. Duties, &c. to be under the management of the Commissioners of Inland Revenue, and to be collected and paid under the provisions of acts relating to excise.

4. Where contracts may have been made before, the additional duties to be added to the price of the articles contracted for.

5. Full British duty to be paid on spirits delivered from a duty-free warehouse in Ireland for consumption in England or Scotland.

6. Spirits may be sent out or warehoused at proof strength, or within six-tenths thereof.

7. Distillers in England and Ireland to be entitled to allowance on spirits distilled from malt for home consumption as well as for exportation.

8. Certain provisions of acts in force requiring repayment of malt allowance on spirits for consumption in England or Ireland, and prohibition to remove spirits and spirit mixtures between England and Scotland otherwise than by sea, repealed.

9. Distillers may remove duty-paid spirits between England and Scotland, in like manner as between places in the same part of Great Britain.

10. Duty-paid spirits may be removed from the stocks of rectifiers and dealers between England and Scotland.

11. Allowance on the cistern or couch gauges of malt-making for distilling purposes to be 17 per cent.

12. Commissioners may revoke the license of a maltster for distillery purposes, or a distiller from malt, on a second conviction of any of the offences herein specified.

### CAP. XXIII.

An Act to alter in certain respects the Law of Intestate Movable Succession in Scotland. [25th May, 1855.]

Sect. 1. The issue of a predeceasing next of kin shall come in the place of their parent in the succession to an intestate.

2. Issue of predeceasing heir succeeding to the intestate's heritage may collate, but other issue not excluded by his not collating from claiming out of the moveable estate the difference between the value of the heritage and the share their parent would have taken on collation.

3. Father to succeed to the extent of one-half when no issue.

4. Where father has predeceased, mother to succeed to the extent of one-third.

5. Succession by brothers and sisters uterine.

6. On a wife predeceasing her husband, her representatives to have no claim on the goods in communion.

7. Not to affect the rights of spouses on dissolution of marriage in certain cases.

8. Part of act of Parliament of Scotland, 1617, c. 14, repealed.

9. Interpretation of terms.

### CAP. XXIV.

An Act to amend an Act of the Second and Third Years of King William the Fourth, for amending the Representation of the People in Scotland, in so far as relates to the Procedure in County Elections in that Country. [25th May, 1855.]

Sect. 1. Sheriff to indorse on the writ the day on which he received it, and announce the time for the election.

2. Proviso as to Orkney and Shetland.

3. Provisions of recited act, so far as inconsistent with this act, repealed.

### CAP. XXV.

An Act to allow Affirmations or Declarations to be made instead of Oaths in certain Cases in Scotland. [25th May, 1855.]

Sect. 1. Affirmation instead of oath to be allowed in certain cases.

2. Her Majesty may, by Order in Council, direct provisions of this act to be applied to all courts in Scotland.

### CAP. XXVI.

An Act to continue an Act of the Thirteenth and Fourteenth Years of her present Majesty, for enabling the Judges of the Courts of Common Law at Westminster to alter the Forms of Pleading. [25th May, 1855.]

### CAP. XXVII.

An Act to amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the Transmission by Post of printed periodical Publications. [15th June, 1855.]

Sect. 1. *Not to be compulsory to print newspapers on stamps.*

2. *Periodical publications printed on stamps to be transmitted by post free of postage.*

3. *Periodical publications entitled to free transmission by post to be printed under certain limitations and conditions specified.*

4. *Paper to be stamped for such periodical publications at the request of the proprietor or printer. Discount to be allowed on stamps in Ireland.*

5. *Periodical publications to be posted within fifteen days after being published.*

6. *Questions as to periodical publications, how determined.*

7. *Newspapers may be registered at the General Post-office to entitle the same to the privilege of transmission abroad under treaties with Foreign Powers.*

8. *Transmission by post of printed papers to foreign countries.*

9. *Power to the Postmaster-General, with consent of the Treasury, to make regulations for carrying the act into effect.*

10. *Periodical publications sent by post not to conform with this act to be charged letter rates of postage.*

11. *London Gazette to be evidence of the issuing of warrants or orders.*

12. *Interpretation of terms.*

Whereas it is expedient to amend the laws relating to the stamp duties on newspapers, and to provide for the transmission by post of printed periodical publications: be it therefore enacted &c. as follows:—

Sect. 1. From and after fourteen days after the passing of this act it shall not be compulsory (except for the purpose of free transmission by the post) to print any newspaper on paper stamped for denoting the duties imposed by law on newspapers, and no person shall be subject or liable to any penalty or forfeiture for printing, publishing, selling, or having in his possession any unstamped newspaper.

2. Every periodical publication hereinafter mentioned which shall be printed within the United Kingdom on paper stamped for denoting the rate of duty now imposed by law on newspapers shall be entitled to the like privileges of transmission and retransmission by the post between places in the United Kingdom, either postage free or otherwise, on the same terms and conditions, and under and subject to the like rules and regulations, as newspapers duly stamped are now entitled and subject to under any act or acts in force, but under and subject nevertheless to the terms and conditions in this act contained.

3. Every periodical publication, to be entitled to any such privilege as aforesaid, shall be printed and published at intervals not exceeding thirty-one days between any two consecutive parts or numbers of such publication, and shall be subject to the same limitations and restrictions with respect to the number of sheets or pieces of paper whereon the same shall be printed, and with respect to the superficies or dimensions of the letter-press thereof, as by any act or acts now in force are enacted or imposed with respect to newspapers, and supplements thereto; and every such periodical publication shall be entitled to such privilege only on the terms and conditions following; (that is to say), one of the sheets or pieces of paper on which the same shall be printed shall be stamped with an appropriated die, denoting the stamp duty imposed by law on a newspaper printed on the like number of sheets or pieces of paper, and of the like dimensions with respect to the superficies of the letter-press thereof; and on the top of every page of such publication shall be printed the title thereof, and the date of publishing the same; and such periodical publication at the time when the same shall be posted shall be folded in such manner that the whole of the stamp denoting the said duty shall be exposed to view, and be distinctly visible on the outside thereof; also such periodical publication shall not be printed on pasteboard or cardboard, or on two or more pieces or thicknesses of paper pasted together, nor shall any pasteboard, cardboard, or such pasted paper be transmitted by post with any such periodical publication, either as a back or cover thereto, or otherwise.

4. It shall be lawful for the proprietor or printer of any such periodical publication to send to the Commissioners of Inland Revenue, or to such officer as they shall appoint or direct in that behalf, any quantity of paper to be stamped with an appropriated die, to be provided in the manner directed by sect. 3 of the 6 & 7 Will. 4, c. 76, for denoting the rate of stamp duty chargeable on newspapers; and upon payment to the proper officer of the full amount of the stamps required to be impressed on such paper, the said commissioners or their

proper officer shall cause the same to be stamped accordingly: provided always, that there shall be allowed in Ireland, in respect of such appropriated stamps as aforesaid for any periodical publication which shall be printed and published only in Ireland, the same rate of discount as by the said last-mentioned act is directed to be allowed on the purchase of stamps for the printing of newspapers in Ireland.

5. Every periodical publication posted in the United Kingdom, to be entitled to the privilege of transmission by the post between places in the United Kingdom under the provisions of this act, shall be put into a post-office within fifteen days next after the day on which the same shall be published; the day of publication to be determined by the date of such publication.

6. In all cases in which a question shall arise whether a printed paper is entitled to the privilege of a periodical publication, so far as respects the transmission thereof by the post under the provisions of this act, the question shall be referred to the determination of the Postmaster-General, whose decision, with the consent of the Commissioners of her Majesty's Treasury, shall be final.

7. And whereas certain treaties and arrangements have been made and entered into, and other treaties and arrangements may hereafter be entered into, by and between her Majesty's Government and certain foreign and colonial governments, for regulating the transmission of British newspapers abroad; and it is expedient to make provision for enabling her Majesty's Postmaster-General to secure for such newspapers respectively the privileges and advantages of such treaties and arrangements: be it therefore enacted, that upon the Postmaster-General being satisfied that any printed publication is a newspaper, or entitled to the privileges of a newspaper, within the meaning of such treaties and arrangements as aforesaid, it shall be lawful for the proprietor or printer of such newspaper or publication, if he shall think fit, to register the same at the General Post-office in London, in such form, and with such particulars relating to the same, and subject to the payment of such fees, not exceeding 5s. respectively, as well on registration as afterwards periodically for being continued on the register, as the Postmaster-General, with the consent of the Commissioners of the Treasury, shall from time to time direct or require in that behalf; and thereupon such newspaper or publication, being printed on paper duly stamped with an appropriated die under the provisions of this act, shall be entitled to all the privileges and advantages secured to newspapers by any such treaties and arrangements as aforesaid.

8. It shall be lawful for the Commissioners of her Majesty's Treasury, by warrant under their hands, to allow any printed newspaper (British, colonial, or foreign) to be transmitted by the post between places in the United Kingdom and her Majesty's colonies or foreign countries, or between any ports or places beyond the sea, (whether through the United Kingdom or not), either free of postage, or subject to such rates of postage not exceeding 2d. for each newspaper, irrespective of any foreign or colonial postage, as the Commissioners of the Treasury, or the Postmaster-General with their consent, shall from time to time think fit; and as a condition to any British newspaper being transmitted by the post to any place out of the United Kingdom, the same shall be printed on paper duly stamped with an appropriated die under the provisions of this act, and the said last-mentioned commissioners or the Postmaster-General may require such newspaper to be registered at the General Post-office in London, in such form, and with such particulars, and subject to the payment of such fees as in the last preceding section mentioned.

9. It shall be lawful for her Majesty's Postmaster-General, with the consent of the Commissioners of her Majesty's Treasury, at any time or times hereafter, to make and issue such orders, regulations, conditions, and restrictions as he shall deem to be necessary or expedient for the purpose of regulating the receipt, transmission, and delivery by post of periodical publications under the provisions of this act, or for preventing or detecting frauds or abuses in relation thereto, and for giving effect to the purposes of this act; and it shall also be lawful for the said Postmaster-General, with the like consent, from time to time to rescind or revoke all or any such orders, regulations, conditions, and restrictions, and to make and issue any new ones in lieu thereof.

10. All periodical publications sent by post otherwise than in conformity with the terms, conditions, and regulations established by or under the authority of this act may be detained

by the Postmaster-General, and any officer of the Post-office; and after being opened, the same shall be either returned to the senders thereof, or forwarded to the place of their destination, charged with the like rates of postage as if the same were letters transmitted by the post: provided always, that it shall be lawful for the Commissioners of her Majesty's Treasury, by warrant under their hands, to authorise her Majesty's Postmaster-General to charge in any such case such less rate of postage as to him shall seem fit.

11. Any printed copy of the London Gazette in which any warrant or order issued or made under or by virtue of this act, or purporting so to be, shall be published, shall be admitted as evidence by all courts, judges, justices, and others, of such warrant or order, and of the due making and issuing thereof, and of the contents thereof, without any further or other proof of such warrant or order, or of the matters therein contained.

12. The term "periodical publication" used in this act shall be construed to mean and include a newspaper as defined by the acts in force relating to the stamp duties on newspapers, and every printed literary work or paper printed and published periodically, or in parts or numbers, at intervals not exceeding thirty-one days between any two consecutive papers, parts, or numbers of such literary work or paper; and for all the purposes of this act the islands of Guernsey, Jersey, Alderney, Sark, and the Isle of Man shall respectively be deemed to be part of the United Kingdom.

#### CAP. XXVIII.

An Act to provide that the Property or Income Tax payable in respect of the Income from Ecclesiastical Property in Ireland shall be a Deduction in estimating the Value of such Property for the Purpose of Taxation by the Ecclesiastical Commissioners. [15th June, 1855.]

#### CAP. XXIX.

An Act to make further Provision for the Registration of Births, Deaths, and Marriages in Scotland. [15th June, 1855.]

#### CAP. XXX.

An Act to empower the Commissioners of Sewers to expend on House Drainage a certain Sum out of the Monies borrowed by them on the Security of the Rates, and also to give to the said Commissioners certain other Powers for the same Purpose. [15th June, 1855.]

#### CAP. XXXI.

An Act to confirm the Incorporation of the Borough of Brighton. [15th June, 1855.]

#### CAP. XXXII.

An Act to amend and extend the Jurisdiction of the Stannary Court. [15th June, 1855.]

1. Process in case of mines of mixed minerals.
2. Interpretation of terms.
3. As to suits by pursuers, &c. for contribution against non-resident shareholders.
4. Plaintiff may join several adventurers in one petition, &c.
5. As to suits by creditors for payment of debts of adventurers in a mine.
6. As to suits for account between adventurers.
7. Process in suits against non-resident defendants.
8. Service of process out of stannaries.
9. As to execution of judgments and decrees of the court of the vice-warden. Where such judgments cannot be conveniently enforced, superior courts may issue process for recovery of amounts due on the same.
10. Execution of decrees, &c. in equity suits in or out of stannaries.
11. Interpleader in equity.
12. Adjudication to be final.
13. Upon application by registrar, &c., action may be stayed.
14. Freehold, &c. not to be adjudicated upon without consent.
15. Ejectment in the stannaries.
16. Summary suits for small debts extended to torts.
17. Removal of certain causes from the county court.
18. Pleading to jurisdiction.



19. Power of registrar on interlocutory applications.
20. Power for vice-warden, with consent of parties, to refer cases to arbitration.
21. Power of vice-warden to hold his court at any place within the stannaries for certain purposes.
22. Production of lists of shareholders in mines.
23. Power to make or adopt rules, orders, and practice of superior courts of law or equity.
24. Provision for illness or accidental absence of vice-warden.
25. Allowances to be made on auditing the registrar's accounts.
26. Regulation of appeals.
27. As to levying and application of fines.
28. Punishment of frauds by miners in Devonshire.
29. Vice-warden to be qualified to act as a justice of the peace in the county.
30. Parts of acts repealed.
31. Law clerk of the Duchy of Cornwall to act as attorney or solicitor in all courts.
32. Stannaries of Cornwall and Devon to be united as to jurisdiction.
33. The vice-warden to sit in Devonshire when sufficient funds shall be provided for such sitting.
34. Collector in Devonshire.
35. Jurors to be qualified as at assizes. No sittings in Devon till duchy council or commissioners shall direct.
36. Assessment of mines and minerals in Devon.
37. Commitment of prisoners in Devonshire.
38. Provision for the eventual establishment of a separate court in Devonshire.

CAP. XXXIII.

An Act to prevent Doubts as to the Validity of certain Proceedings in the House of Commons. [15th June, 1855.]

CAP. XXXIV.

An Act to provide for the Education of Children in the Receipt of Out-door Relief. [26th June, 1855.]

- Sect. 1. Guardians may grant relief to enable certain poor persons to provide education for their children.*
2. *Poor-law Board may issue orders to regulate proceedings of guardians.*
  3. *Such education not to be a condition of relief.*
  4. *Cost of relief to be charged to the same account as the other relief.*
  5. *Orphans and deserted children may be relieved.*
  6. *Act to be construed with the 5 Will. 4, c. 76.*

Whereas it is expedient that means should be taken to provide education for the young children of poor persons who are relieved out of the workhouse: be it enacted &c.,

*Sect. 1.* That the guardians of any union or any parish in England wherein the relief to the poor is administered by a board of guardians may, if they deem proper, grant relief for the purpose of enabling any poor person lawfully relieved out of the workhouse to provide education for any child of such person between the ages of four and sixteen in any school to be approved of by the said guardians, for such time and under such conditions as the said guardians shall see fit.

2. Provided that the Poor-law Board may at any time issue their order to regulate the proceedings of the guardians with reference to the mode, time, or place in or at which such relief shall be given or such education received.

3. Provided also, that it shall not be lawful for the guardians to impose as a condition of relief that such education shall be given to any child of the person requiring relief.

4. The cost of the relief so given for the education of any such child shall be charged to the same account as the other relief granted by the said guardians to the same poor person, and may be given by the said guardians, and recovered by them as a loan, under the same circumstances and in like manner as such other relief.

5. In the case of any child of such age as aforesaid relieved out of the workhouse, which child has been deserted by its parents or surviving parent, or both whose parents are dead, it shall be lawful for such guardians in their discretion, and with the like power of regulation on the part of the Poor-law Board as aforesaid, to grant relief for the purpose of providing education for such child in any such school as aforesaid.

6. The words used in this act shall be construed in like manner as the words contained in the 5 Will. 4, c. 76, and the several acts incorporated therewith.

CAP. XXXV.

An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives. [26th June, 1855.]

*Sect. 1.* Persons having made insurances with friendly societies to be entitled to benefits of recited acts.

2. Provisions of the 16 & 17 Vict. c. 91, to continue in force and be applicable to duties granted by the 17 & 18 Vict. c. 24, and the 18 & 19 Vict. c. 20.

CAP. XXXVI.

An Act to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Oxford. [26th June, 1855.]

CAP. XXXVII.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year 1855. [26th June, 1855.]

CAP. XXXVIII.

An Act to allow Spirit of Wine to be used Duty-free in the Arts and Manufactures of the United Kingdom. [26th June, 1855.]

*Sect. 1.* A mixture of spirit of wine and methylic alcohol may be allowed duty-free for use in the arts or manufactures.

2. The mixture to be termed methylated spirit.
3. Persons (other than distillers or rectifiers) authorised to make methylated spirit to pay for a license for that purpose.
4. Places of mixing to be approved and entered; and removal of articles for mixing, and of methylated spirit, to be made under the regulations of the commissioners.
5. Wood naphtha, &c. to be inspected by officer before mixing, and commissioners may provide the same.
6. Commissioners may provide warehouses and labour for mixing and storing methylated spirit, for a certain payment.
7. A stock account to be kept of methylated spirit in the possession of every maker. Excess of stock to be forfeited, and deficiency to be charged with duty.
8. Methylated spirit to be delivered only from an entered place, and accompanied by a permit. Penalty for unlawful delivery or removal, 50*l.* and forfeiture of the spirit.
9. Persons to be authorised by the commissioners to receive duty-free methylated spirit for use in the arts or manufactures.
10. Persons authorised to receive duty-free methylated spirit to give security for the proper use of it in their manufactures.
11. Enactments in former acts as to permits and certificates to be applied to permits, certificates, &c. under this act.
12. Persons ordering methylated spirit to fill up requisition and counterfoil, and produce the latter to officer when required.
13. Officers of excise may enter premises where methylated spirit is used, and inspect and take samples.
14. Commissioners may revoke authority to make or use methylated spirit, or approval of places for making or storing the same.
15. Makers not to supply methylated spirit to persons whose authority to use the same is revoked.
16. Methylated spirit found in the possession of a person not entitled to have the same, or in an unentered place, forfeited, and penalty incurred.
17. Commencement of act.

CAP. XXXIX.

An Act to facilitate Grants of Land and Tenements for the Purpose of Religious Worship, and other Purposes connected therewith, (Ireland). [26th June, 1855.]

CAP. XL.

An Act for further promoting the Establishment of free Public Libraries and Museums in Ireland. [26th June, 1855.]

## CAP. XLI.

An Act for abolishing the Jurisdiction of the Ecclesiastical Courts of England and Wales in Suits for Defamation.

[26th June, 1855.]

Sect. 1. Jurisdiction of ecclesiastical courts in England, &c. in suits for defamation abolished.

2. Persons in custody for defamation under order of ecclesiastical courts to be discharged, but such order not to be made until costs are paid.

## CAP. XLII.

An Act to enable British Diplomatic and Consular Agents Abroad to administer Oaths and do Notarial Acts.

[2nd July, 1855.]

Sect. 1. *Oaths may be administered by ambassadors and other British ministers abroad.*

2. *Affidavits taken before ambassadors, &c. abroad may be used in courts in the United Kingdom.*

3. *Documents to be admitted in evidence without proof of the seal or signature of the ambassador or other official person.*

4. *Persons swearing or affirming falsely guilty of perjury.*

5. *Persons forging seal or signature guilty of felony.*

Whereas by an act of the 6 Geo. 4, c. 87, powers are given to British consuls-general and consuls to administer oaths and do notarial acts in the foreign places to which they are appointed; and it is expedient that the like powers should be given to ambassadors and other diplomatic agents and to vice-consuls and consular agents abroad: be it enacted &c. as follows:—

Sect. 1. From and after the passing of this act it shall and may be lawful for every British ambassador, envoy, minister, chargé d'affaires, or secretary of embassy or of legation exercising his functions in any foreign country, and for every British vice-consul, acting consul, pro-consul, or consular agent (as well as every consul-general or consul) exercising his functions in any foreign place, whenever he shall be thereto required, and whenever he shall see necessary, to administer in such foreign country or place any oath or to take any affidavit or affirmation from any person whomsoever, and also to do and perform in such foreign country or place all and every notarial acts or act which any notary public could or might be required and is by law empowered to do within the United Kingdom of Great Britain and Ireland; and every such oath, affidavit, or affirmation, and every such notarial act, administered, sworn, affirmed, had, or done by or before such ambassador, envoy, minister, chargé d'affaires, secretary of embassy or of legation, vice-consul, acting consul, pro-consul, or consular agent, shall be as good, valid, and effectual, and shall be of like force and effect, to all intents and purposes, as if such oath, affidavit, or affirmation, or notarial act respectively had been administered, sworn, affirmed, had, or done before any justice of the peace or notary public in any part of the United Kingdom of Great Britain or Ireland, or before any other legal or competent authority of the like nature.

2. Affidavits and affirmations so taken as aforesaid under the said act of Geo. 4 or this act shall and may be received, read, and made use of in and before any court of law or equity, or other judicature whatever, in any part of the United Kingdom, and the judges and officers thereof, in or in relation to any action, suit, cause, matter, or proceeding in or before any such court or judicature, in like manner, and shall be of the same force and effect, as affidavits and affirmations taken in or before such court or judicature, or by any person duly commissioned or authorised by such court or judicature to take such affidavits or affirmations, and shall be filed and dealt with accordingly.

3. Any document purporting to have affixed, impressed, or subscribed thereon or thereto the seal and signature of any British ambassador, envoy, minister, chargé d'affaires, secretary of embassy or of legation, consul-general, consul, vice-consul, acting consul, pro-consul, or consular agent, in testimony of any such oath, affidavit, affirmation, or act having been administered, sworn, affirmed, had, or done by or before him, shall be admitted in evidence without proof of any such seal and signature being the seal and signature of the person whose seal and signature the same purport to be, or of the official character of such person.

4. Any person knowingly and wilfully making any false oath, affidavit, or affirmation before any person having authority to administer such oath or take such affidavit or affirmation under the said act of Geo. 4 or this act, shall be deemed guilty of perjury, and such offender may be charged, proceeded against, tried, and dealt with, in any county or place in the United Kingdom, in the same manner in all respects as if the offence had been committed in such county or place.

5. If any person shall forge any such seal or signature as aforesaid, or shall tender in evidence any such document as aforesaid with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to penal servitude for the term of four years, or to be imprisoned, with or without hard labour, for any term not exceeding three years nor less than one year; and whenever any such document has been admitted in evidence by virtue of this act, the court or the person who has admitted the same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and be kept in the custody of some officer of the court or other proper person for such period and subject to such conditions as to the said court or person shall seem meet; and every person charged with committing any felony under this act may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in the county, district, or place in which he may be apprehended or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence laid and charged to have been committed in any county, district, or place in which the principal offender may be tried.

## CAP. XLIII.

An Act to enable Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real and Personal Estate on Marriage.

[2nd July, 1855.]

Sect. 1. *Infants may, with the approbation of the Court of Chancery, make valid settlements, or contracts for settlements, of their real and personal estate upon marriage.*

2. *In case infant die under age, appointment, &c. to be void.*

3. *The sanction of the Court of Chancery to be given upon petition.*

4. *Not to apply to males under twenty, or females under seventeen, years of age.*

Whereas great inconveniences and disadvantages arise in consequence of persons who marry during minority being incapable of making binding settlements of their property; for remedy whereof be it enacted &c. as follows:—

Sect. 1. From and after the passing of this act it shall be lawful for every infant, upon or in contemplation of his or her marriage, with the sanction of the Court of Chancery, to make a valid and binding settlement, or contract for a settlement, of all or any part of his or her property, or property over which he or she has any power of appointment, whether real or personal, and whether in possession, reversion, remainder, or expectancy; and every conveyance, appointment, and assignment of such real or personal estate, or contract to make a conveyance, appointment, or assignment thereof, executed by such infant, with the approbation of the said Court, for the purpose of giving effect to such settlement, shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years: provided always, that this enactment shall not extend to powers of which it is expressly declared that they shall not be exercised by an infant.

2. Provided always, that in case any appointment under a power of appointment, or any disentailing assurance, shall have been executed by any infant tenant in tail under the provisions of this act, and such infant shall afterwards die under age, such appointment or disentailing assurance shall then upon become absolutely void.

3. The sanction of the Court of Chancery to any such settlement, or contract for a settlement, may be given, upon petition presented by the infant or his or her guardian, in a summary way, without the institution of a suit; and if there be no guardian, the Court may require a guardian to be appointed or not, as it shall think fit; and the Court also may, if it shall think fit, require that any persons interested or

appearing to be interested in the property should be served with notice of such petition.

4. Provided always, that nothing in this act contained shall apply to any male infant under the age of twenty years, or to any female infant under the age of seventeen years.

## CAP. XLIV.

An Act to amend an Act of last Session, to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum, in Dublin.

[2nd July, 1855.]

## CAP. XLV.

An Act for further assimilating the Practice in the County Palatine of Lancaster to that of other Counties with respect to the Trial of Issues from the Superior Courts at Westminster.

[16th July, 1855.]

*Her Majesty may issue commissions to Chief Justice, &c. of Common Pleas in the county palatine of Lancaster, &c., authorising them to take all the assizes, juries, &c. in the said county in like manner as in other counties.*

Whereas by the Common-law Procedure Act, 1852, sect. 103, it was enacted, that records of the superior courts at common law should be brought to trial and entered and disposed of in the counties palatine in the same manner as in other counties: and whereas it was provided by the 27 Hen. 8, c. 24, s. 5, that justices of assize to be made and assigned within the county palatine of Lancaster should be made and ordained by commission under the King's usual seal of Lancaster, and in pursuance of the said proviso one chief justice and one other justice, being respectively judges of the superior courts at Westminster, have been from time to time constituted and ordained by grants contained in separate letters-patent under the seal of the county palatine of Lancaster: and whereas it is expedient to make further provision for assimilating the practice of the said county palatine of Lancaster to that of other counties with respect to the trial of issues from the superior courts of common law at Westminster: be it enacted &c. as follows:—It shall be lawful for her Majesty, her heirs and successors, hereafter to issue commissions of assize under the seal of the county palatine of Lancaster, directed to the judges appointed for the time being to the respective offices of chief justice and justice of Common Pleas within the said county palatine of Lancaster, and to such of her Majesty's counsel learned in the law, serjeants, and barristers-at-law, having patents of precedence, or precedence within the bar, of the county palatine of Lancaster, and other serjeants-at-law to be from time to time selected for that purpose, authorising and commanding them to take all the assizes, juries, and certificates, before whatever justices assigned, in the said county of Lancaster, in like manner and with the like effect as such commissions are issued into other counties, together with the like writs or commissions of association, and other writs and proceedings, as in other counties; and that every person so authorised shall have the like power to be and act as a judge or commissioner of assize for the trial of issues from the superior courts of law at Westminster and other issues in the said county palatine of Lancaster as any person so authorised has in any other county, and shall also be deemed to be authorised by such commission, and shall thereby have full authority, to act as a judge for the trial of any issues of fact in any causes depending in the said Court of Common Pleas at Lancaster: provided, and it is declared, that nothing herein contained shall deprive the chief justice or justice appointed or so ordained as aforesaid, by grant contained in letters-patent, of any authority or jurisdiction to try issues from the superior courts at Westminster and other issues in the said county palatine of Lancaster, and that all trials of such issues heretofore had or to be had before such chief justice or justice constituted or ordained as aforesaid shall be deemed to have been and to be tried by competent authority; and that the acting prothonotary for the time being of the Court of Common Pleas at Lancaster shall continue to officiate as associate in the said county palatine of Lancaster as heretofore, and shall accordingly be named in such commissions of association and other writs and proceedings.

## CAP. XLVI.

An Act for disafforesting the Forest of Woolmer.

[16th July, 1855.]

C

## CAP. XLVII.

An Act to continue an Act of the Eighteenth Year of her present Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund.

[16th July, 1855.]

## CAP. XLVIII.

An Act for the better Administration of Justice in the Cinque Ports.

[16th July, 1855.]

Sect. 1. Jurisdiction of Lord Warden in civil proceedings abolished.

2. Writs and judgments to be directed and executed in the Cinque Ports as in other places.

3. On petition of inhabitants of parishes within the Thanet Division, her Majesty may order such parishes to be part of said county, and county justices to have jurisdiction.

4. Justices of Kent empowered to levy county rates in the parishes and places which may be severed from Dover.

5. 51 Geo. 3, c. 36; 5 & 6 Will. 4, c. 135; and sect. 11 and part of sect. 10 of 6 & 7 Will. 4, c. 105, repealed as to places severed from Dover.

6. Places severed from Dover to continue liable to existing debt.

7. Saving as to persons committed or held to bail in places separate from Dover.

8. Compensations.

9. Prisoners in gaol of Dover Castle to be removed to county gaol.

10. Saving rights of Lord Warden, &c.

## CAP. XLIX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

[16th July, 1855.]

## CAP. L.

An Act to amend the Provisions of the Court of Exchequer (Ireland) Act, 1850.

[16th July, 1855.]

## CAP. LI.

An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock-in-Trade or other Property to the Relief of the Poor.

[16th July, 1855.]

## CAP. LII.

An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.

[16th July, 1855.]

## CAP. LIII.

An Act to relieve the East India Company from the Obligation to maintain the College at Haileybury.

[16th July, 1855.]

## CAP. LIV.

An Act to enable her Majesty to assent to a Bill, as amended, of the Legislature of New South Wales, "to confer a Constitution on New South Wales, and to grant a Civil List to her Majesty."

[16th July, 1855.]

## CAP. LV.

An Act to enable her Majesty to assent to a Bill, as amended, of the Legislature of Victoria, to establish a Constitution in and for the Colony of Victoria.

[16th July, 1855.]

## CAP. LVI.

An Act to repeal the Acts of Parliament now in force respecting the Disposal of the Waste Lands of the Crown in her Majesty's Australian Colonies, and to make other Provision in lieu thereof.

[16th July, 1855.]

## CAP. LVII.

An Act further to amend the Laws relating to the Militia in England.

[16th July, 1855.]

Sect. 1. Secretary of State may enlarge time for appointment of persons to apportion contribution between county and borough, and for making award.

2. Where the poor rate in the county and borough is not assessed upon a uniform principle, the proportions of contribution may be adjusted without regard to the poor rate valuation.

3. Boroughs situate in more than one county to contribute to each in proportion to the rateable value of the part within the same.

4. Foregoing provisions to extend to franchises.

5. In the county of Lincoln storehouses to be provided by the gaol sessions.

6. As to expenses of Militia Acts in the county of Sussex.

7. The word "borough" to include any city or town named in Schedules (A.) and (B.) of the 5 & 6 Will. 4, c. 76, although such should be a county of itself.

#### CAP. LVIII.

An Act to better enable the Chancellor and Council of the Duchy of Lancaster to sell and purchase Land on behalf of her Majesty, her Heirs and Successors, in right of the said Duchy of Lancaster. [16th July, 1855.]

Sect. 1. Chancellor and council of the duchy of Lancaster enabled to sell and convey land.

2. Purchase monies for land sold to be paid to receiver-general of duchy, and invested or applied as herein mentioned.

3. Power to Chancellor to contract and agree for purchase of land, and convey the same to the use of her Majesty.

4. The 8 & 9 Vict. c. 18, incorporated.

5. Short title.

#### CAP. LIX.

An Act to facilitate Inquiries of Commissioners of Endowed Schools in Ireland. [23rd July, 1855.]

#### CAP. LX.

An Act for excepting Gold Wedding Rings from the Operation of the Act of the last Session relating to the Standard of Gold and Silver Wares, and from the Exemptions contained in other Acts relating to Gold Wares. [23rd July, 1855.]

#### CAP. LXI.

An Act to authorise the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales. [23rd July, 1855.]

#### CAP. LXII.

An Act to amend an Act of the Eighteenth Year of her Majesty, to amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation in Ireland. [23rd July, 1855.]

#### CAP. LXIII.

An Act to consolidate and amend the Law relating to Friendly Societies. [23rd July, 1855.]

Sect. 1. Acts or parts of acts set forth in first schedule repealed.

2. Societies under former acts to continue.

3. Their rules to continue in force, and enrolments to be sent to registrar.

4. All their contracts, and all bonds, &c. to them, to continue in force.

5. Their exemptions, powers, and privileges under this act.

6. Registrars, how and by whom appointed.

7. Their salaries.

8. Their expenses of office, &c.

9. Societies, how and for what purpose formed. For payments on death. For relief in sickness, &c. For other purposes authorized by Secretary of State, &c.

10. No money to be paid on the death of a child without a copy of the entry of the registrar of deaths.

11. Benevolent societies, in what case entitled to the benefits of this act.

12. Statutes as to unlawful oaths not to extend to societies under this act or any repealed acts.

13. Societies, how dissolved.

14. Societies may unite with others, or one society may transfer its engagements to another.

15. Minors may be elected as members.

16. Buildings for the purpose may be purchased or leased.

17. Trustees, how appointed.

18. Property of the society vested in them.

19. Actions, &c. by or against them.

20. Limitation of his responsibility.

21. Treasurer to give security.

22. Treasurer to account.

23. Property, how recovered if the officer die, or become bankrupt or insolvent.

24. Punishment of fraud in withholding money, &c.

25. Rules to be made.

26. Copies to be sent to the registrar, and his certificate obtained. Actuary's certificate to be sent with the copies, in case of tables of annuities.

27. Rules may be altered, amended, rescinded, or new rules made.

28. When place of meeting is altered, notice to be sent to registrar.

29. Circulating false copies of rules, &c. a misdemeanour.

30. Rules, how received in evidence.

31. On death of member, sum under 50l. may be paid without administration. Indemnity to trustees.

32. Funds, how invested.

33. Funds may be invested with the Commissioners of the National Debt.

34. What interest old societies shall have.

35. Redepositing of money withdrawn.

36. Transfer of stock.

37. Power of attorney, &c. not liable to stamp duty. Limitation of exemptions to societies not assuring above 200l.

38. No member to receive more than 200l. or 30l. a year from any number of societies.

39. Trustees may subscribe to a hospital or provident institution.

40. As to the determination of disputes according to the rules.

41. In what cases by the county court.

42. Order of county court, how enforced.

43. Lord Chancellor may make orders for regulating the proceedings in this respect.

44. In the case of societies whose rules are not certified, disputes between the society and its own members to be settled as in cases of certified societies.

45. Returns to the registrar, when and how to be made.

46. Certain societies, established for granting annual payments to nominees before the year 1850, to have privileges of this act.

47. Extra contribution may be demanded of a member serving in the militia.

48. Act to apply to societies constituted under the Industrial and Provident Societies Act, 1852.

49. Interpretation of "society."

50. Extension of act.

51. Commencement of act.

Whereas it would conduce to the improvement of the law relating to friendly societies if the several statutes relating thereto were consolidated, and certain additions and alterations were made therein: be it therefore enacted &c.

Sect. 1. That there shall be hereby repealed the several acts or parts of acts set forth in the first schedule hereto, save and except as to any offences committed, or penalties or liabilities incurred, or bond or security given, or proceedings taken under the same, before the commencement of this act.

2. Provided nevertheless, that notwithstanding the repeal of the said several statutes, every friendly society now subsisting, which heretofore had been formed and established under the said acts or any of them, shall still be deemed to be and shall continue to be a subsisting society, as fully as if this act had not been made, unless and until such society shall be dissolved or united with some other society, as hereinafter mentioned.

3. Provided also, that the rules of every such subsisting society hitherto formed and established, which have been hitherto confirmed, registered, or certified under the said acts or any of them, shall be deemed valid and in force until the same shall be altered or rescinded as hereinafter mentioned;

and all transcripts of any of such rules which are now filed with the rolls of the sessions of the peace of any county, riding or division, city or borough, liberty or place, shall be taken off the file, and shall be transmitted, on or before the 1st November, 1856, to the registrar under this act, to be by him kept in such manner as shall be directed from time to time by one of her Majesty's Secretaries of State in that behalf.

4. Provided also, that all contracts and engagements by or with any of the said societies now valid and in force, and all bonds and securities heretofore given by any trustee, treasurer, or other officer of any such society, shall continue and be valid and in force notwithstanding the repeal of the said acts.

5. All such subsisting societies whose rules have heretofore been confirmed, registered, or certified under the said acts or any of them, shall, so long as they shall not hereafter effect an assurance to any member thereof, or other person, of any sum exceeding 200*l.*, or of any annuity exceeding 30*l.* per annum, enjoy all the exemptions and privileges by this act conferred on societies to be established under the provisions of this act, as fully as if they had been registered and certified under this act as hereinafter mentioned.

6. For the purposes of this act there shall be three registrars of friendly societies, one for England, one for Scotland, and one for Ireland, who shall hold their respective offices during the pleasure of the Commissioners for the Reduction of the National Debt; and upon the death, resignation, or removal of any one of them, the said commissioners shall appoint another, being a barrister in England or Ireland, and in Scotland an advocate, of not less than seven years' standing, to the said office.

7. It shall be lawful for the Commissioners of her Majesty's Treasury to pay to the present registrar for England a salary equal to that which has been paid to him yearly in each of the three last years, not exceeding 1000*l.* per annum, and to pay to any registrar hereafter to be appointed for England a salary not exceeding 800*l.* a year, and to pay to the registrars for Scotland and Ireland respectively a salary such as the said commissioners shall direct, not exceeding 150*l.* a year, every such salary to be paid by four equal quarterly payments; and any of the said registrars who shall be appointed, or who shall die, resign, or be removed from his office, in the interval between two quarterly days of payment, shall be entitled to a proportionate part of his salary, and such salaries and proportionate parts of salaries shall be paid out of such monies as shall be provided by Parliament for that purpose.

8. The said Commissioners of her Majesty's Treasury shall, out of such monies as may be provided by Parliament for the purpose, pay to the said registrars respectively such sum as will defray the expenses allowed by the said commissioners from time to time for office rent, salaries of clerks, stationery, computation of tables, and for such other expenses as may be incurred by them respectively.

9. It shall be lawful for any number of persons to form and establish a friendly society, under the provisions of this act, for the purpose of raising by voluntary subscriptions of the members thereof, with or without the aid of donations, a fund for any of the following objects; that is to say—

1. For assuring a sum of money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the wife or child of a member:
2. For the relief or maintenance of the members, their husbands, wives, children, brothers or sisters, nephews or nieces, in old age, sickness, or widowhood, or the endowment of members or nominees of members at any age:
3. For any purpose which shall be authorised by one of her Majesty's Principal Secretaries of State, or in Scotland by the Lord Advocate, as a purpose to which the powers and facilities of this act ought to be extended:

Provided that no member shall subscribe or contract for an annuity exceeding 30*l.* per annum, or a sum payable on death, or on any other contingency, exceeding 200*l.*:

And if such persons so intending to form and establish such society shall transmit rules for the government, guidance, and regulation of the same to the registrar aforesaid, and shall obtain his certificate that the same are in conformity with law, as hereinafter mentioned, then the said society shall be deemed to be fully formed and established from the date of the said certificate.

10. In any society in which a sum of money may be assured payable on the death of a child under ten years of age it shall

not be lawful to pay any sum for the funeral expenses of such child except upon production of a copy of the entry in the register of deaths, signed by the registrar of the district in which the child shall have died; and if such entry shall not state that the cause of death has been certified by a qualified medical practitioner, or by a coroner, a certificate signed by a qualified medical practitioner, stating the probable cause of death, shall be required, and it shall not be lawful in that case to pay any sum without such certificate; and no trustee or officer of any society, upon an assurance of a sum payable for the funeral expenses of any such child, made after the passing of this act, shall knowingly pay a sum which shall raise the whole amount receivable from one or more than one society for the funeral expenses of a child under the age of five years to a sum exceeding 6*l.*, or of a child between five and ten years to a sum exceeding 10*l.*; and any such trustee or officer who shall make any such payment otherwise than as aforesaid, or who shall pay any sum without indorsing the amount which he shall pay on the back or at the foot of the copy of entry signed by the said registrar, shall be liable to a penalty not exceeding 5*l.* for every such offence, upon conviction thereof before two justices of the county or borough in which such death shall have taken place; the said registrar shall be entitled to receive, upon delivery of such copy of entry for the purpose of receiving money from a friendly society, a fee of 1*s.*, and it shall not be lawful for him to deliver more than one such copy for such purpose, except by the order of a justice of the peace.

11. And whereas many provident, benevolent, and charitable institutions and societies are formed and may be formed for the purpose of relieving the physical wants and necessities of persons in poor circumstances, or for improving the dwellings of the labouring classes, or for granting pensions, or for providing habitations for the members or other persons elected by them, and it is expedient to afford protection to the funds thereof: be it enacted, that if two copies of the rules of any such institution or society, and from time to time the like copies of any alterations or amendments made in the same, signed by three members and the secretary thereof, shall be transmitted to the registrar aforesaid, such registrar shall, if he shall find that the same are not repugnant to law, give a certificate to that effect; and thereupon the following sections of this act, that is to say, the 17th, 18th, 19th, 20th, 21st, 22nd, 40th, 41st, 42nd, and 43rd, shall extend and be applicable to the said institution and society, as fully as if the same were a society established under this act.

12. The act of the 39 Geo. 3, c. 79, and the act of the 57 Geo. 3, c. 19, and also the act of the 14 & 15 Vict. c. 48, relating to unlawful oaths in Ireland, shall not extend to any society established under this act or any of the acts hereby repealed, or to any meeting of the members or officers thereof in which society or at which meeting no business whatever is transacted other than that which directly and immediately relates to the objects of the society as declared in the rules thereof, and set forth in the certified copy thereof: provided that the trustees or other officers of the society, when required under the hands of two of her Majesty's justices of the peace, shall give full information to such justices of the nature, objects, proceedings, and practices of such society, and in default thereof the provisions of the acts herein recited shall be in force in respect of such society.

13. It shall be lawful for the members of any society heretofore formed and established, or hereafter to be formed and established, at some meeting thereof to be specially called in that behalf, to dissolve or determine the same by consent: provided that no society established under this or any act relating to friendly societies shall be dissolved or determined without obtaining the votes of consent of five-sixths in value of the then existing members thereof, including the honorary members, if any, to be ascertained in manner hereinafter mentioned, nor without the consent of all persons, if any, then receiving or then entitled to receive any relief, annuity, or other benefit from the funds thereof, to be testified under their hands individually and respectively, unless the claim of every such person be first duly satisfied, or adequate provision made for satisfying such claim; and for the purpose of ascertaining the votes of such five-sixths in value of the members as aforesaid, every member shall be entitled to one vote, and an additional vote for every five years that he may have been a member, but no one member shall have more than five votes in the whole; and the intended appropriation or division of the funds or other property shall be fairly and

distinctly stated in the agreement for dissolution prior to such consent being given; and the agreement for such dissolution, duly signed as aforesaid, accompanied with a statutory declaration by one of the trustees, or by three members and the secretary, taken before a justice of the peace, that the provisions of this act have been complied with, shall be forthwith transmitted to the registrar, to be by him deposited with the rules of the society, and such agreement shall thereupon be an effectual discharge at law and in equity to the trustees, treasurers, and other officers of such society, and shall operate as a release from all the members of the society to such trustees, treasurers, and other officers; and it shall not be lawful in any society to direct a division or appropriation of any part of the stock thereof, except for the purpose of carrying into effect the general interests and objects declared in the rules as originally certified, unless the claim of every member is first duly satisfied, or adequate provision be made for satisfying such claims; and in case any member of such society shall be dissatisfied with such provision, it shall be lawful for him or her to apply to the judge of the county court of the district within which the usual place of business of the society is situated for relief or other order; and the said judge shall have the same powers to entertain such application, and to make such order or direction in relation thereto as he may think the justice of the case may require, as hereinafter is enacted in regard to the settlement of disputes; and in the event of the dissolution or determination of any society, or the division or appropriation of the funds thereof, except in the way hereinbefore provided, any trustee or other officer or person aiding or abetting therein shall, on conviction thereof by two justices, be committed to the common gaol or house of correction, there to be kept to hard labour for any term not exceeding three calendar months, as to such justices shall seem meet.

14. It shall be lawful for any two or more societies established under this or any of the acts hereby repealed to unite and become incorporated in one society, with or without any dissolution or division of the funds of such societies or either of them; or a society formed and established under this act or any of the said repealed acts may be allowed to transfer its engagements to any other friendly society, if any other such society shall undertake to fulfil the engagements of such society, upon such terms as shall be agreed upon by the major part of the trustees and also of the committee of management of both societies, or the majority of the members of each of such societies at a general meeting convened for the purpose.

15. A person under the age of twenty-one may be elected or admitted as a member of any society established under this act or any of the acts hereby repealed, the rules of which do not prohibit such election, and may and he is hereby empowered to execute all necessary instruments and to give all necessary acquittances: provided always, that during his non-age he shall not be competent to hold any office of director, trustee, treasurer, or manager of such society.

16. It shall be lawful for the trustee or trustees for the time being of any friendly society formed and established under this act or under any of the acts hereby repealed, with the consent of a majority of the members thereof present at a special or general meeting of the society, to purchase, build, hire, or take upon lease any building for the purpose of holding such meetings, and to adapt and furnish the same, and to purchase or hold upon lease any land not exceeding one acre for the said purpose of erecting thereon a building for holding the meetings of the society, and such trustee or trustees shall thereupon hold the same in trust for the use of such society; and, with the like consent as aforesaid, such trustee or trustees may mortgage, sell, exchange, or let such building, or any part thereof; and the receipt in writing of such trustee or one of such trustees for the time being shall be a legal discharge for the money arising from such mortgage, sale, exchange, or letting; and no mortgagee, purchaser, tenant, or assignee shall be bound to inquire into or ascertain or prove the consent aforesaid, to verify his title: provided always, that any building purchased or appropriated for the purpose aforesaid already belonging to or in the possession of any friendly society heretofore formed and established under the said repealed acts, or any of them, may be holden and dealt with as if it had been acquired under this act; and the land or buildings which may be vested in the treasurer, trustee, or other officer thereof for the time being shall thereupon vest in the trustee or trustees for the time being of such society, for the same estate and interest as the said treasurer, trustee, or other officer may have

therein, without any conveyance or assignment whatever: provided nevertheless, that all money spent in purchasing, building, hiring, or taking upon lease any building for the purpose of holding such meetings, and in adapting and furnishing the same, be raised according to the rules of the society on such behalf inserted; and this section shall apply to any society registered under the Industrial and Provident Societies Act, 1852, and to any building or land to be purchased, built, hired, or taken on lease for the purposes of the labour, trade, or handicraft of such society, in all respects as hereby enacted with regard to any building or land for the holding the meetings of any friendly society.

17. Every friendly society established under this act shall, at some meeting of its members, and by a resolution of a majority of the members then present, nominate and appoint one or more persons or persons to be trustee or trustees for the said society, and the like in the case of any vacancy in the said office; and a copy of the resolution so appointing such person or persons to the office of trustee, and signed by such trustee or trustees and by the secretary of the said society, shall be sent to the registrar, to be by him deposited with the rules of the said society in his custody: provided always, that where no trustee shall have been appointed in any society established under any one of the acts hereby repealed, the treasurer thereof, or other person who has custody of the monies of such society, shall be taken to be a trustee within the meaning of this act.

18. All real and personal estate whatsoever belonging to any such society established under this act, or any of the acts hereby repealed, shall be vested in such trustee or trustees for the time being, for the use and benefit of such society and the members thereof, and the real or personal estate of any branch of a society shall be vested in the trustees of such branch, and be under the control of such trustee or trustees, their respective executors or administrators, according to their respective claims and interest, and upon the death or removal of any such trustee or trustees the same shall vest in the succeeding trustee or trustees for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever, save and except in the case of stocks and securities in the public funds of Great Britain and Ireland, which shall be transferred into the name or names of such new trustee or trustees; and in all actions or suits or indictments, or summary proceedings before magistrates, touching or concerning any such property, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee, in his or their proper name or names, as trustees of such society without any further description.

19. The trustee or trustees of any such society are hereby authorized to bring or defend, or cause to be brought or defended, any action, suit, or prosecution in any court of law or equity, touching or concerning the property, right, or claim to property of the society for which he or they are such trustee or trustees as aforesaid; and such trustee or trustees shall and may, in all cases concerning the real or personal property of such society, sue and be sued, plead and be impleaded, in any court of law or equity, in his or their proper name or names, as trustee or trustees of such society, without other description; and no such action, suit, or prosecution shall be discontinued or shall abate by the death of such person, or his removal from the office of trustee, but the same shall and may be proceeded in by or against the succeeding trustee or trustees as if such death or removal had not taken place; and such succeeding trustee or trustees shall pay or receive the like costs as if the action or suit or prosecution had been commenced in his or their name or names, for the benefit of, or to be reimbursed from the funds of, such society.

20. Provided nevertheless, that no trustee or trustees of any such society shall be liable to make good any deficiency which may arise or happen in the funds of such society, but shall be liable only for the monies which shall be actually received by him on account of such society.

21. The treasurer of every such society, and every treasurer hereafter appointed in any society established under any of the repealed acts, or any other officer who is required by the rules to give security, shall, before he take upon himself the execution of his office, become bound, with one sufficient surety, in a bond according to the form set forth in the third schedule to this act, or give the security of a guarantee society established in London, in such penal sum as the society or the committee

of management shall direct and appoint, conditioned for his just and faithful execution of his said office of treasurer, and for rendering a just and true account of all monies received or paid by him on account of the said society at such times as the rules of the said society shall direct and appoint, and at such times as he shall be required so to do by the trustees or trustees of the said society, or by a majority of the said committee of management, or by a majority of the members present at any meeting of such society; and every such bond shall be given to the trustee or trustees of the said society for the time being; and if the same shall at any time become forfeited, it shall be lawful for such trustee or trustees for the time being to sue upon such bond for the use of such society; and in Scotland such bond shall have the same force and effect as a bond there in use duly attested and completed, and containing a clause of registration for execution as well as for preservation in the books of council and session and other judges' books competent, and shall be registered in such books accordingly, with a view to diligence.

22. Every such treasurer or other officer, whether appointed before or after the passing of this act, at such times as by the rules of such society he should render such account as aforesaid, or upon being required so to do by the trustee or trustees of such society, or by a majority of the said committee of management, or by a majority of the members present at a meeting of the said society as aforesaid, within seven days after such requisition shall render to the trustee or trustees of the society, or to the said committee of management, or to the members of such society at a meeting of the society, a just and true account of all monies received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds or securities of such society, which account the said trustee or trustees or committee of management shall cause to be audited by some fit and proper person or persons by them to be appointed; and such treasurer, if thereunto required, upon the said account being audited, shall forthwith hand over to the said trustee or trustees the balance which on such audit shall appear to be due from him, and shall also, if required, hand over to such trustee or trustees all securities and effects, books, papers, and property of the said society in his hands or custody; and if he fail to do so, the trustee or trustees of the said society may sue upon the bond aforesaid, or may sue such treasurer in the county court of the district, or in any of the superior courts of common law, or in any other court having jurisdiction, for the balance appearing to have been due from him upon the account last rendered by him, and for all the monies since received by him on account of the said society, and for the securities and effects, books, papers, and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of the said society; and in such action the said trustee or trustees shall be entitled to recover their full costs of suit, to be taxed as between attorney and client.

23. If any person already appointed or employed, or hereafter to be appointed or employed, to or in any office in any friendly society established under this act, or any of the acts hereby repealed, whether such appointment or employment was before or after the legal establishment of such society, and having in his hands or possession, by virtue of his office, any monies or property whatsoever of such society, or any deeds or securities belonging to such society, shall die, or become bankrupt or insolvent, or have any execution or attachment or other process issued against him or any part of his property, or shall have any action or diligence raised against his lands, goods, chattels, or effects, or property or other estate, heritable or moveable, or shall make any assignment, disposition, assignation, or other conveyance for the benefit of his creditors, the heirs, executors, administrators, or assignees of every such officer, and every other person having or claiming right to the property of such officer, and the sheriff or other person executing such process, and the party using such action or diligence respectively, shall, upon demand in writing made by the treasurer or by the trustee or any two of the trustees of such society, or any person appointed at some meeting of the society to make such demand, deliver and pay over all such monies, property, deeds, and securities belonging to such society to such person as such treasurer or trustees shall appoint, and shall pay, out of the estate, assets, or effects, heritable or moveable, of such officer, all sums of money due which such officer shall have received, before any other of his debts are paid, and before any other claims upon him shall be satisfied,

and before the money directed to be levied by such process as aforesaid, or which may be recovered or recoverable under such diligence, is paid over to the party issuing such process or using such diligence; and all such assets, lands, goods, chattels, property, estates, and effects shall be bound to the payment, discharge, and satisfaction of such claims.

24. If any officer, member, or other person, being or representing himself to be a member of such society, or the nominee, executor, administrator, or assignee of a member thereof, or any person whatsoever, by false representation or imposition, shall obtain possession of any monies, securities, books, papers, or other effects of such society, or having the same in his possession shall withhold or misapply the same, or shall wilfully apply any part of the same to purposes other than those expressed or directed in the rules of such society, or any part thereof, it shall be lawful in England for any justice of the peace acting in the county or borough in which the place of business of such society shall be situated, upon complaint made by any person on behalf of such society, to summon the person against whom such complaint is made to appear at a time and place to be named in such summons; and any two justices present at the time and place mentioned in such summons shall proceed to hear and determine the said complaint, in manner directed by the act passed in the 11 & 12 Vict. c. 43; and in Scotland every such offence may be prosecuted by summary complaint at the instance of the procurator fiscal of the county, or of the society with his concurrence, before the sheriff; and if the said justices or sheriffs respectively shall determine the said complaint to be proved against such person, they shall adjudge and order him to deliver up all such monies, securities, books, papers, or other effects to the society, or to repay the amount of money applied improperly, and to pay, if they think fit, a further sum of money not exceeding 20*l.*, together with costs not exceeding 20*s.*; and in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs aforesaid, the said justices or sheriffs may order the said person so convicted to be imprisoned in the common gaol or house of correction, with or without hard labour, for any time not exceeding three months: provided that nothing herein contained shall prevent the said society, or in Scotland her Majesty's advocate, from proceeding by indictment against the said party; provided also, that no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this act.

25. Before any friendly society shall be established under this act, the persons intending to establish the same shall agree upon and frame a set of rules for the regulation, government, and management of such society; and in such rules they may, amongst other things, make provision for appointing a general committee of management of such society, and delegating to such committee all or any of the powers given by this act to the members of friendly societies formed or established under or by virtue of the same; and such rules shall set forth,

1. The name of the society and place of meeting for the business of the society;
2. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of such society;
3. The manner of making, altering, amending, and rescinding rules;
4. A provision for the appointment and removal of a general committee of management, of a trustee or trustees, treasurer, and other officers;
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts;
6. The manner in which disputes between the society and any of its members, or any person claiming by or through any member, or under the rules, shall be settled:

And the rules of every such society shall provide that all monies received or paid on account of each and every particular fund or benefit assured to the members thereof, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, for which a separate table of contributions payable shall have been adopted, shall be entered in a separate account, distinct from the monies received and paid on account of any other benefit or fund, and also that a contribution shall be



made to defray the necessary expenses of management, and a separate account shall be kept of such contributions and expenses.

26. Two printed or written copies of such rules, signed by three of the intended members and the secretary or other officer, shall be transmitted to the registrar aforesaid, and the said registrar shall advise with the secretary or other officer, if required, for the purpose of ascertaining whether the said rules are calculated to carry into effect the intentions and object of the persons who desire to form such society; and if the registrar shall find that such rules are in conformity with law and with the provisions of this act, he shall give a certificate in the form set forth in the second schedule to this act, and shall return one of the said copies to the said society, and shall keep the other in such manner as shall from time to time be directed by one of her Majesty's Principal Secretaries of State, and for which certificate no fee shall be payable to the said registrar; and all rules, when so certified as aforesaid, shall be binding on the several members of the said society: provided always, that it shall not be lawful for the said registrar to grant any such certificate to a society assuring to any member thereof a certain annuity or certain superannuation, deferred or immediate, unless the tables of contributions payable for such kind of assurance shall have been certified under the hand of the actuary to the Commissioners for the Reduction of the National Debt, or by an actuary of some life assurance company established in London, Edinburgh, or Dublin, who shall have exercised the profession of actuary for at least five years, and such certificate be transmitted to the registrar, together with the copies of the rules aforesaid.

27. After the rules of a friendly society shall have been so certified by the registrar as aforesaid, it shall be lawful for such society, by resolution at a meeting specially called for that purpose, to alter, amend, or rescind the same or any of them, or to make new rules; and it shall be lawful for any friendly society, formed and established under any of the acts hereby repealed, to alter, amend, or rescind the rules by which their society is governed, regulated, or managed, or to make new rules: provided always, that two copies of the proposed alterations or amendments, and of such new rules, signed by three members of such society and the secretary or other officer, shall be transmitted to the said registrar, to one of which shall be attached a declaration by the secretary or one of the officers of such society, that in making the same the rules of such society respecting the making, altering, amending, and rescinding rules, or the directions of the act under which such society was established, have been duly complied with; and if the said registrar shall find that such alterations, amendments, or new rules are in conformity with law, he shall give to the society a certificate in the form set forth in the schedule to this act, and return one of the copies to the society, and shall keep the other, with the rules of such society, in his custody, and for which certificate no fee shall be payable to the said registrar, and as against such member or person such certificate shall be conclusive of the validity thereof; and all rules, alterations, and amendments, when so certified as aforesaid, shall be binding on the several members of the said society, and all persons claiming on account of a member or under the said rules; but unless and until the same shall be so certified as aforesaid, such rules, alterations, and amendments shall have no force or validity whatsoever.

28. Whenever any friendly society established under this act, or under any of the acts hereby repealed, shall change its place of business, notice of such change, under the hands of two of the trustees, or three members and secretary or other officer, shall, within fourteen days thereafter, be sent to the said registrar.

29. If any person shall give to any member of a friendly society established under this act, or under any of the said repealed acts, or to any person intending or applying to become a member of such society, a copy of any rules, or of any alterations or amendments of the same, other than those respectively which have been inrolled with any clerk of the peace or certified by the registrar, with a copy of his certificate appended thereto, under colour that the same are binding upon the members of such society, or shall make any alterations in or addition to any of the rules or tables of such society after they shall have been respectively inrolled or certified by the registrar, and shall circulate the same, purporting that they have been duly inrolled or certified under this or any of the said repealed acts, when they have not been so duly inrolled or cer-

tified, every person so offending shall be deemed guilty of a misdemeanour.

30. All rules and tables of any society established under this act, or any of the said repealed acts, and all alterations and amendments thereof, and all copies thereof or extracts therefrom, and all writings and documents relating to a friendly society, and purporting to be signed by the registrar, shall, in the absence of any evidence to the contrary, be received in all courts of law and equity, and elsewhere, without proof of the signature thereto.

31. When, on the death of any member of a society established under this act or any of the said repealed acts, a sum of money not exceeding 50*l.* shall become payable, the same shall be paid by the trustees of such society to the person directed by the rules thereof, or nominated by the deceased in writing deposited with the secretary, (such person being the husband, wife, father, mother, child, brother or sister, nephew or niece of such member); and in case there shall be no such direction or nomination, or the person so nominated shall have died before the deceased member, or in case the member shall have revoked such nomination, then such sum shall be paid to the person who shall appear to the said trustees to be entitled, under the Statute of Distributions, to receive the same, without taking out letters of administration in England or Ireland, and without confirmation in Scotland: provided, that wherever the trustee or trustees of any such society, after the decease of any member thereof, shall have paid and divided any such sum of money to or amongst any person or persons who shall at the time of such payment appear to such trustee or trustees to be entitled to the effects of any deceased member who has died intestate, without having appointed any nominee as aforesaid, the payment of any such sum shall be valid and effectual with respect to any demand from any other person or persons as next of kin of such deceased member, or as the lawful representative or representatives of such member, against the funds of such society or against the trustees thereof; but nevertheless such next of kin or representative shall have his or her lawful remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

32. The trustee or trustees of every friendly society established under this act or any of the said repealed acts shall from time to time, with the consent of the committee of management of such society; or of a majority of the members of such society present at a general or special meeting thereof, or in accordance with the rules of such society, invest the funds of such society, or any part thereof, to any amount, in any savings bank, or in the public funds, or with the Commissioners for the Reduction of the National Debt, as hereinafter mentioned, or in such other security as the rule of such society may direct, not being the purchase of house or land, (save and except the purchase of buildings wherein to hold the meetings or transact the business of such society, as hereinbefore mentioned), and not being the purchase of shares in any joint-stock company or other company with or without charter of incorporation, and not being personal security, except in the case of a member of one full year's standing at least, and in respect of a sum not exceeding one-half the amount of his assurance on life, such member providing the written security of himself and two satisfactory sureties for repayment, and in case of such member's death before repayment, the amount of such advance, with interest, may be deducted from the sum so assured, without prejudice in the meantime to the operation of such security.

33. Every friendly society established under this act which does not assure the payment in any event of a sum exceeding 200*l.*, or an annuity exceeding 30*l.* per annum, may pay any sum of money not less than 50*l.* into the Bank of England or Ireland, to the account of the Commissioners for the Reduction of the National Debt, upon the declaration of the trustee or of the trustees, or any two or more of them, that such monies belong exclusively to the said society; and the cashier of the Bank of England is hereby required to receive all such monies, and to place the same to the account raised in the name of the said commissioners in the book of the Bank, named "The Fund for Friendly Societies;" and if such declaration shall not be true, then and in every such case the sum of money so paid in on such declaration shall be forfeited to the said commissioners, and shall be applied by them in the manner directed by any act or acts for the time being in force relating to savings banks with respect to the account of such banks; and the regulation of receipts, certificates, or orders concerning savings banks shall be deemed applicable to monies paid in

as aforesaid under the authority of this act, as if the same had been herein repeated; and every such society, on paying money directly into the Bank as aforesaid, shall be entitled to receive receipts bearing interest at the rate of 2*d.* per centum per diem: provided, that every society which shall deposit any part of its funds in any savings bank, or with the Commissioners for the Reduction of the National Debt, shall furnish to the said commissioners from time to time such accounts as they may require in reference to the funds so deposited.

34. Every society already established under any of the acts hereby repealed, which shall have heretofore invested any part of its funds with the Commissioners for the Reduction of the National Debt, shall be entitled to pay into the Bank of England or Ireland, in sums of not less than 50*l.*, money received from members on account of assurances made before the passing of this act, and to receive receipts for the same bearing interest at such rate or rates as such society has hitherto been entitled to receive on account of such assurances; that is to say, for money invested with the commissioners by any society legally established before the 28th July, 1828, on account of any assurance made before the 15th August, 1850, 3*d.* per centum per diem; and on account of any assurance effected after that day, 2*d.* per centum per diem; and for money invested with the commissioners by any society established between the 28th July, 1828, and the 15th August, 1850, on account of assurances made before the 15th August, 1850, 2½*d.* per centum per diem; and on account of any assurance effected after that day, 2*d.* per centum per diem; and for money invested with the commissioners by any society established since the 15th July, 1850, the sum of 2*d.* per centum per diem: provided, that the trustees of every society which shall have invested or shall invest any part of its funds with the said commissioners shall furnish from time to time such accounts and returns as the said commissioners shall require, and shall satisfy the said commissioners that they are legally entitled to receive such interest as aforesaid, and to make such further investment.

35. Where any friendly society shall withdraw money invested by them with the Commissioners for the Reduction of the National Debt, such society shall not be entitled to make any further deposit with the said commissioners without the consent of the said commissioners, or of the comptroller-general or assistant comptroller under them.

36. Whenever it shall happen that any person, being or having been a trustee of any society established under this act, or any act hereby repealed, and whether he shall have been appointed before or after the legal establishment thereof, in whose name any part of the several stocks, annuities, and funds belonging to any such society, transferable at the Bank of England or Ireland, or in the books of the Governor and Company of the Bank of England or Ireland, or in any savings bank, is or shall be standing, shall be out of England or Ireland or Scotland respectively, or shall have been removed from his office of trustee, or shall be a bankrupt, insolvent, or lunatic, or it shall be unknown whether such trustee is living or dead, it shall be lawful for the registrar, after receiving an application in writing from the secretary of the society and three members thereof, and upon proof satisfactory to such registrar, to direct the Accountant-General or other proper officer for the time being of the said Governor and Company of the Bank of England or Ireland, or of any savings bank, to transfer in the books of the said company or of the said savings bank such stocks, annuities, or funds, standing as aforesaid, into the name of the trustee who shall be newly appointed, and to pay to him from time to time the dividends thereof; and if one of two or more such trustees shall die, or be removed from his office of trustee, or become bankrupt or insolvent, it shall be lawful for the registrar, on the like application, to direct that the other or others of the trustees shall transfer such stock, annuities, or funds into the name of such person as may have been appointed in his stead, jointly with the continuing trustee or trustees.

37. No copy of rules, nor power, warrant, or letter of attorney granted by any person as trustee of any society established under this act, or any of the acts hereby repealed, for the transfer of any share in the public funds standing in the name of such trustee, nor any order or receipt for money contributed to or received from the funds of any such society by any person liable or entitled to pay or receive the same by virtue of the rules thereof or of this act, nor any bond to be given to or on account of any such society, or by the trea-

surer or any officer thereof, nor any draft or order, nor any form of policy, nor any appointment of any agent, nor any certificate or other instrument for the revocation of any such appointment, nor any other document whatever required or authorised by or in pursuance of this act or the rules of any society, shall be liable to stamp duty: provided, that no exemption from any of the duties granted by any act or acts relating to stamp duties shall be deemed to extend to any society which shall assure the payment of money exceeding 200*l.*, or which shall assure the payment of any money on the death of a member to any person except the executors, administrators, or assigns of such member, or the husband, wife, father, mother, child, brother, sister, nephew, or niece of such member.

38. If any person shall become a member of more than one society, whereby certain benefits shall accrue on account of the same kind of assurance from more than one society, it shall not be lawful for him, or for any person entitled through or under him, or by reason of his membership, or for any number of such persons in the aggregate, to receive more than 200*l.*, or, in the case of annuities, 30*l.* a year, from such societies collectively; and in any case where a person shall so as aforesaid be a member of more than one society, and he, or any other person or persons, shall be entitled to any benefit in gross or by way of annuity from any such society, he, or (as the circumstances may require) every such other person, shall, before he shall receive any such benefit from any of such societies, make and sign a declaration that the total value of all benefits accruing or which shall have accrued in respect of any one kind of assurance does not exceed the value of 200*l.*, or, in the case of annuities, 30*l.* a year; and it shall be lawful for any society to require any member or any other person who shall be entitled to any such benefit, before he shall receive the same, to make and sign a declaration to the same effect, or that such member was not when the benefit accrued a member of any other association; and if any person shall knowingly make any false or fraudulent declaration in any such case he shall be guilty of misdemeanour.

39. The trustees of any friendly society may, out of the funds thereof, subscribe to any hospital, infirmary, charitable or other provident institution, such annual or other sum as may be agreed upon by the committee of management, or by a majority of the members at a meeting called for that purpose, in consideration of any member of such society, his wife, child, or other person nominated, being eligible to receive the benefits of such hospital or other institution, according to the rules thereof.

40. Every dispute between any member or members of any society established under this act or any of the acts hereby repealed, or any person claiming through or under a member, or under the rules of such society, and the trustee, treasurer, or other officer, or the committee thereof, shall be decided in manner directed by the rules of such society, and the decision so made shall be binding and conclusive on all parties, without appeal: provided, that where the rules of any society established under any of the acts hereby repealed shall have directed disputes to be referred to justices, such disputes shall, from and after the 1st August, 1855, be referred to and decided by the county court, as hereinafter mentioned.

41. In all friendly societies established under this act or any of the said repealed acts, all applications for the removal of any trustee, or for any other relief, order, or direction, or for the settlement of disputes that may arise or may have arisen in any society the rules of which do not prescribe any other mode of settling such disputes, or to enforce the decision of any arbitrators, or to hear or determine any dispute if no arbitrator shall have been appointed, or if no decision shall be made by the said arbitrators within forty days after application has been made by the member or person claiming through or under a member, or under the rules of the society, shall be made to the county court of the district within which the usual or principal place of business of the society shall be situate; and such court shall, upon the application of any person interested in the matter, entertain such application, and give such relief, and make such orders and directions in relation to the matter of such application, as hereinafter mentioned, or as may now be given or made by the Court of Chancery in respect either of its ordinary or its special or statutory jurisdiction; and the decision of such county court upon and in relation to such application as aforesaid shall not be subject to any appeal: provided always, that in Scotland the sheriff within his county, and in Ireland the assistant barrister within his dis-

strict, shall have the same jurisdiction as is hereby given to the judge of a county court.

42. In all cases where the order of such county court shall be for the payment of money, the same may be enforced in the same manner as the ordinary judgments of such court are enforced; but where the order of the said court shall be for the doing of some act, not being for the payment of money, it shall be lawful for the judge of such county court in his said order to order the party to do such act, or that in default of his doing it he shall pay a certain sum of money; and in case he refuse or neglect to do the act required, upon demand in that behalf, the sum of money or penalty in the said order may then be recovered in the same manner as a judgment for debt or damages in such court; and it shall not be lawful to remove the same by certiorari or other writ or process to any superior court of record.

43. Provided, however, that the Lord Chancellor may make such orders for regulating the proceedings by and before the judges of county courts under this act as he may think fit; and in Scotland the Court of Session shall have the like power by act of sederunt as regards proceedings before sheriffs under this act; and, subject to such orders and acts of sederunt respectively, such judges and sheriffs may regulate the proceedings before them respectively so as to render them as summary and inexpensive as conveniently may be.

44. In the case of any friendly society established for any of the purposes mentioned in sect. 9 of this act, or for any purpose which is not illegal, having written or printed rules, whose rules have not been certified by the registrar, provided a copy of such rules shall have been deposited with the registrar, every dispute between any member or members of such society, and the trustees, treasurer, or other officer, or the committee of such society, shall be decided in manner hereinbefore provided with respect to disputes, and the decision thereof, in the case of societies to be established under this act, and the sections in this act provided for such decision, and also the section in this act which enacts a punishment in case of fraud or imposition by an officer, member, or person, shall be applicable to such uncertified societies: provided always, that nothing herein contained shall be construed to confer on any such society whose rules shall not have been certified by the registrar, or any of the members or officers of such society, any of the powers, exemptions, or facilities of this act, save and except as in and by this section is expressly provided.

45. The trustees of friendly societies established under this act or under any of the repealed acts, or the officer thereof appointed to prepare returns, shall once in every year, in the months of January, February, or March, transmit to the registrar a general statement of the funds and effects of such society during the past twelve months, or a copy of the last annual report of such society, and shall also within three months after the expiration of the month of December, 1855, and so again within three months after the expiration of every five years succeeding, transmit to the said registrar a return of the rate or amount of sickness and mortality experienced by such society within the preceding five years, in such form as shall be prepared by the said registrar, and an abstract of the same shall be laid before Parliament; and the registrar shall also lay before Parliament every year a report of his proceedings in his office of registrar, and of the principal matters transacted by friendly societies which have come under his cognizance during the past year.

46. And whereas under the provisions of the acts hereby repealed, or some of them, certain associations or societies have been formed in England and Ireland for the provident and charitable purpose of securing annual payments to the nominees of the members thereof, contingent upon the death of such members, and have invested their funds in the manner provided by such acts, and doubts may arise whether such associations or societies will be entitled to the exemptions and privileges by this act conferred in the event of such annual payments amounting in the aggregate to more than 30*l.*; and it is expedient to remove such doubts, and to give protection to such associations or societies, and to the funds thereof: be it therefore enacted, that notwithstanding anything in this act contained to the contrary, all such associations or societies as were founded and subsisting under the provisions of the said acts previously to the 15th August, 1850, shall enjoy the exemptions and privileges by this act conferred on societies to be established under the provisions of this act as fully as if they had been registered and certified under this act, and notwith-

standing that the contingent annual payments to which the nominees of the present or future members of such associations or societies may become entitled shall exceed in the aggregate the sum of 30*l.*

47. In any case where the rules of any society already enrolled or certified have provided, that a member shall be deprived of any benefit by reason of his enrolment or service in the militia, it shall be lawful for the trustees of such society to require of any member a contribution exceeding the rate of contribution hitherto payable by such member, to an amount not exceeding one-tenth of such rate, during the time such member shall be serving out of the United Kingdom, or to suspend all claim of such member to any benefits of such society, and all claim of the society to any contributions payable by such member, during the time he may be serving in the militia out of the United Kingdom, provided that such suspension shall cease so soon as the said member shall return to the United Kingdom, and he shall thereupon be replaced on the same footing as before he went abroad with the regiment to which he belongs.

48. All the provisions of this act shall apply to all societies constituted under the Industrial and Provident Societies Act, 1852, in the same manner as the laws in force relating to friendly societies at the date of the passing of the said Industrial and Provident Societies Act, 1852, are by the said last-mentioned act directed to apply to societies constituted thereunder; and the limitation hereinbefore contained of the amount of annuities and sums payable on the death of any person, or on any other contingency, in the case of societies established under this act, shall apply to all societies constituted under the said Industrial and Provident Societies Act, 1852.

49. The word "society" shall extend to and include every branch of a society, by whatever name it may be designated.

50. This act shall extend to Great Britain and Ireland, and the Channel Isles, and the Isle of Man.

51. This act shall commence and take effect from the 1st August, 1855.

#### SCHEDULES REFERRED TO BY THE FOREGOING ACT.

##### FIRST SCHEDULE.

##### *Acts and Parts of Acts to be repealed.*

33 Geo. 3, c. 54.—An Act for the Encouragement and Relief of Friendly Societies.—*The whole act.*

35 Geo. 3, c. 111.—An Act for more effectually carrying into Execution an Act made in the Thirty-third Year of the Reign of his present Majesty, intitled "An Act for the Encouragement and Relief of Friendly Societies," and for extending so much of the Powers thereof as relates to the framing Rules and Regulations for the better Management of the Funds of such Societies, and the Appointment of Treasurers to other Institutions of a charitable Nature.—*The whole act.*

36 Geo. 3, c. 68, (Irish).—An Act for the Encouragement and Relief of Friendly Societies.—*The whole act.*

43 Geo. 3, c. 111.—An Act for enabling Friendly Societies intended to be established under an Act passed in the Thirty-third Year of the Reign of his present Majesty to rectify Mistakes made in the Registry of their Rules.—*The whole act.*

49 Geo. 3, c. 58.—An Act to explain and render more effectual an Act passed in the Parliament of Ireland in the Thirty-sixth Year of his present Majesty's Reign, for the Encouragement and Relief of Friendly Societies.—*The whole act.*

49 Geo. 3, c. 125.—An Act to amend an Act made in the Thirty-third Year of his present Majesty for the Encouragement and Relief of Friendly Societies.—*The whole act.*

59 Geo. 3, c. 128.—An Act for the further Protection and Encouragement of Friendly Societies, and for preventing Frauds and Abuses therein.—*The whole act.*

6 Geo. 4, c. 74.—An Act for consolidating and amending the Laws relating to Conveyances and Transfers of Estates and Funds vested in Trustees who are Infants, Idiots, Lunatics, or Trustees of unsound Mind, or who cannot be compelled or refuse to act; and also the Laws relating to Stocks and Securities belonging to Infants, Idiots, Lunatics, and Persons of unsound Mind.—*So much of sect. 11 as relates to friendly societies.*

10 Geo. 4, c. 56.—An Act to consolidate and amend the Laws relating to Friendly Societies.—*The whole act.*

2 Will. 4, c. 37.—An Act to amend an Act of the Tenth

Year of his late Majesty King George IV, by extending the Time within which pre-existing Societies must conform to the Provisions of that Act.—*The whole act.*

4 & 5 Will. 4, c. 40.—An Act to amend an Act of the Tenth Year of his late Majesty King George IV, to consolidate and amend the Laws relating to Friendly Societies.—*The whole act.*

3 & 4 Vict. c. 73.—An Act to explain and amend the Acts relating to Friendly Societies.—*The whole act.*

9 & 10 Vict. c. 27.—An Act to amend the Laws relating to Friendly Societies.—*The whole act.*

13 & 14 Vict. c. 115.—An Act to consolidate and amend the Laws relating to Friendly Societies.—*The whole act.*

15 & 16 Vict. c. 65.—An Act to continue and amend the Act passed in the Fourteenth Year of the Reign of her present Majesty, to consolidate and amend the Laws relating to Friendly Societies.—*The whole act.*

16 & 17 Vict. c. 123.—An Act to amend the Laws relating to the Investments of Friendly Societies.—*The whole act.*

17 & 18 Vict. c. 50.—An Act to continue an Act of the Twelfth Year of her present Majesty, for amending the Laws relating to Savings Banks in Ireland, and to authorise Friendly Societies to invest the whole of their Funds in Savings Banks.—*Sec. 2.*

17 & 18 Vict. c. 101.—An Act to continue and amend the Acts now in force relating to Friendly Societies.—*The whole act.*

#### SECOND SCHEDULE.

*Form of Registrar's Certificate to Rules of Friendly Societies.*

I hereby certify that the foregoing rules [or "the alterations or amendments of the rules"] of the — society, at —, in the county of —, are in conformity with law, [and in the case of a new society], and that the society is duly established from the present date, and is subject to the provisions and entitled to the privileges of the acts relating to friendly societies.

The rates of contributions and payments are stated to have been prepared by A. B., actuary of —, [or, as the case may be, "are not stated to have been prepared by any actuary."]

#### THIRD SCHEDULE.

##### *Form of Bond.*

Know all men by these presents, that we, A. B., of —, treasurer, &c. [as the case may be] of the — society, established at —, in the county of —, and C. D., of —, (as surety on behalf of the said A. B.), are jointly and severally held and firmly bound to A. B., of —, C. D., of —, and E. F., of —, the trustees of the said society, in the sum of £—, to be paid to the said A. B., C. D., and E. F. as such trustees, or their successors, trustees for the time being, or their certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals. Dated the — day of —, in the year of our Lord 18—.

Whereas the above-bonded A. B. hath been duly appointed treasurer, &c. [as the case may be] of the — society, established as aforesaid, and he, together with the above-bonded C. D. as his surety, have entered into the above-written bond, subject to the condition hereinafter contained: now, therefore, the condition of the above-written bond is such, that if the said A. B. shall and do justly and faithfully execute his office of treasurer, &c. [as the case may be] of the said society established as aforesaid, and shall and do render a just and true account of all monies received and paid by him, and shall and do pay over all the monies remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property, of or belonging to the said society, in his hands or custody, to such person or persons as the said society shall appoint, according to the rules of the said society, together with the proper or legal receipts or vouchers for such payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his office of treasurer, &c. [as the case may be] to the said society according to the rules thereof, then the above-written bond shall be void and of no effect; otherwise shall be and remain in full force and virtue.

#### CAP. LXIV.

An Act to settle Annuities on Emily Harriet Lady Raglan and Richard Henry Fitzroy Lord Raglan, and the next surviving Heir Male of his Body, in Consideration of the eminent Services of the late Field Marshal Lord Raglan.

[23rd July, 1855.]

#### CAP. LXV.

An Act to amend the Dublin Carriage Acts.

[23rd July, 1855.]

#### CAP. LXVI.

An Act to render valid certain Marriages in Christ Church, in the Chapelry of Todmorden and Parish of Rochdale, in the Counties of Lancaster and York.

[23rd July, 1855.]

#### CAP. LXVII.

An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes by the Prevention of frivolous or fictitious Defences to Actions thereon.

[23rd July, 1855.]

- Sec. 1. From the 24th October, 1855, all actions upon bills of exchange, &c. may be by writ of summons, as form in Schedule (A.) Plaintiff, on filing affidavit of personal service, may at once sign final judgment, as form in Schedule (B.)*
2. *Defendant shewing a defence upon the merits to have leave to appear.*
  3. *Judge may, under special circumstances, set aside judgment.*
  4. *Judge may order bill to be deposited with officer of court in certain cases.*
  5. *Remedy for the recovery of expenses of noting non-acceptance of dishonoured bill.*
  6. *Holder of bill of exchange may issue one summons against all or any of the parties to the bill.*
  7. *Common-law Procedure Acts and rules incorporated with this act.*
  8. *Act to apply to Courts of Common Pleas, Lancaster and Durham.*
  9. *Her Majesty may direct act to apply to courts of record in England and Wales.*
  10. *Extent of act.*
  11. *Short title.*

Whereas *bonâ fide* holders of dishonoured bills of exchange and promissory notes are often unjustly delayed and put to unnecessary expense in recovering the amount thereof by reason of frivolous or fictitious defences to actions thereon, and it is expedient that greater facilities than now exist should be given for the recovery of money due on such bills and notes: be it enacted &c. as follows:—

*Sec. 1. From and after the 24th October, 1855, all actions upon bills of exchange or promissory notes commenced within six months after the same shall have become due and payable may be by writ of summons in the special form contained in Schedule (A.) to this act annexed, and indorsed as therein mentioned; and it shall be lawful for the plaintiff, on filing an affidavit of personal service of such writ within the jurisdiction of the court, or an order for leave to proceed, as provided by the Common-law Procedure Act, 1852, and a copy of the writ of summons and the indorsements thereon, in case the defendant shall not have obtained leave to appear and have appeared to such writ according to the exigency thereof, at once to sign final judgment in the form contained in Schedule (B.) to this act annexed, (on which judgment no proceeding in error shall lie), for any sum not exceeding the sum indorsed on the writ, together with interest, at the rate specified, (if any), to the date of the judgment, and a sum for costs to be fixed by the Masters of the superior courts, or any three of them, subject to the approval of the judges thereof, or any eight of them, (of whom the Lord Chief Justices and the Lord Chief Baron shall be three), unless the plaintiff claim more than such fixed sum, in which case the costs shall be taxed in the ordinary way, and the plaintiff may upon such judgment issue execution forthwith.*

*2. A judge of any of the said courts shall, upon application within the period of twelve days from such service, give leave to appear to such writ and to defend the action, on the defendant paying into court the sum indorsed on the writ, or upon affidavits satisfactory to the judge, which disclose a legal or equitable defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as the judge may deem sufficient to support the application, and on such terms as to security or otherwise as to the judge may seem fit.*

*3. After judgment the court or a judge may, under special circumstances, set aside the judgment, and, if necessary, stay*

or set aside execution, and may give leave to appear to the writ and to defend the action, if it shall appear to be reasonable to the court or judge so to do, and on such terms as to the court or judge may seem just.

4. In any proceedings under this act it shall be competent to the court or a judge to order the bill or note sought to be proceeded upon to be forthwith deposited with an officer of the court, and further to order that all proceedings shall be stayed until the plaintiff shall have given security for the costs thereof.

5. The holder of every dishonoured bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this act for the recovery of the amount of such bill or note.

6. The holder of any bill of exchange or promissory note may, if he think fit, issue one writ of summons, according to this act, against all or any number of the parties to such bill or note, and such writ of summons shall be the commencement of an action or actions against the parties therein named respectively, and all subsequent proceedings against such respective parties shall be in like manner, so far as may be, as if separate writs of summons had been issued.

7. The provisions of the Common-law Procedure Act, 1852, and the Common-law Procedure Act, 1854, and all rules made under or by virtue of either of the said acts, shall, so far as the same are or may be made applicable, extend and apply to all proceedings to be had or taken under this act.

8. The provisions of this act shall apply, as near as may be, to the Court of Common Pleas at Lancaster and the Court of Pleas at Durham, and the judges of such courts, being judges of one of the superior courts of common law at Westminster, shall have power to frame all rules and process necessary thereto.

9. It shall be lawful for her Majesty from time to time, by an Order in Council, to direct that all or any part of the provisions of this act shall apply to all or any court or courts of record in England and Wales, and within one month after such order shall have been made and published in the London Gazette such provisions shall extend and apply in manner directed by such order, and any such order may be in like manner from time to time altered and annulled; and in and by any such order her Majesty may direct by whom any powers or duties incident to the provisions applied under this act shall and may be exercised with respect to matters in such court or courts, and may make any orders or regulations which may be deemed requisite for carrying into operation in such court or courts the provisions so applied.

10. Nothing in this act shall extend to Ireland or Scotland.

11. In citing this act in any instrument, document, or proceeding, it shall be sufficient to use the expression, "The Summary Procedure on Bills of Exchange Act, 1855."

## SCHEDULES REFERRED TO IN THE FOREGOING ACT.

(A.)

Victoria, by the grace of God, &c.

To C. D., of —, in the county of —. We warn you, that unless within twelve days after the service of this writ on you, inclusive of the day of such service, you obtain leave from one of the judges of the courts at Westminster to appear, and do within that time appear, in our Court of —, in an action at the suit of A. B., the said A. B. may proceed to judgment and execution.

Witness, &c.

### Memorandum to be subscribed on the Writ.

N. B.—This writ is to be served within six calendar months from the date hereof, or if renewed, from the date of such renewal, including the day of such date, and not afterwards.

*Indorsement to be made on the Writ before Service thereof.*

This writ was issued by E. F., of —, attorney for the plaintiff, [or, "This writ was issued in person by A. B., who resides at" (mention the city, town, or parish, and also the name of the hamlet, street, and number of the house of the plaintiff's residence).]

### Indorsement.

The plaintiff claims £—, principal and interest, [or, "£— balance of principal and interest"], due to him as the

payee [or, "indorsee"] of a bill of exchange or promissory note, of which the following is a copy:—

[Here copy bill of exchange or promissory note, and all indorsements upon it.]

And if the amount thereof be paid to the plaintiff or his attorney within — days from the service hereof, further proceedings will be stayed.

### NOTICE.

Take notice, that if the defendant do not obtain leave from one of the judges of the courts within twelve days after having been served with this writ, inclusive of the day of such service, to appear thereto, and do within such time cause an appearance to be entered for him in the court out of which this writ issues, the plaintiff will be at liberty at any time after the expiration of such twelve days to sign final judgment for any sum not exceeding the sum above claimed, and the sum of £— for costs, and issue execution for the same.

Leave to appear may be obtained on an application at the judge's chambers, Sergeants'-inn, London, supported by affidavit shewing that there is a defence to the action on the merits, or that it is reasonable that the defendant should be allowed to appear in the action.

*Indorsement to be made on the Writ after Service thereof.*

This writ was served by X. Y. on L. M., (the defendant the defendants), on Monday, the — day of —, 18—.

By X. Y.

(B.)

In the Queen's Bench.

On the — day of —, in the year of our Lord 18—.

[Day of signing judgment.]

ENGLAND, (to wit).—A. B., in his own person, [or, "by —, his attorney"], sued out a writ against C. D., indorsed as follows:—

[Here copy indorsement of plaintiff's claim.]

and the said C. D. has not appeared:

Therefore it is considered that the said A. B. recover against the said C. D. £—, together with £— for costs of suit.

## CAP. LXVIII.

An Act to amend the Laws concerning the Burial of the Dead in Scotland. [23rd July, 1855.]

## CAP. LXIX.

An Act to discontinue the taking of Toll on the Turnpike Roads leading from the City of Dublin and on the Turnpike Road from Kinnegad to Athlone, and to provide for the Maintenance of such Roads as Public Roads, and for the Discharge of the Debts due thereon, and other Purposes. [16th July, 1855.]

## CAP. LXX.

An Act for further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes. [30th July, 1855.]

Sect. 1. Stat. 13 & 14 Vict. c. 65, repealed.

2. Short title of act.

3. Interpretation of terms.

4. Town councils of certain boroughs may adopt this act if determined by inhabitants.

5. Expenses of carrying act into execution in a borough to be paid out of the borough fund.

6. Board of any district within limits of any improvement act may adopt this act if determined by inhabitants.

7. Expenses of carrying act into execution by improvement commissioners to be charged on improvement rate.

8. Certain parishes may adopt this act, with the consent of two-thirds of the ratepayers. The vestry to appoint commissioners for carrying the act into execution, who shall be a body corporate.

9. One-third of such commissioners to go out of office yearly, and others to be appointed, but those retiring may be re-appointed.

10. General and special meetings of commissioners.

11. Minutes of proceedings of commissioners to be entered in books.

12. Distinct accounts to be kept by commissioners, and duly audited.
13. Expenses of executing act in any parish to be paid out of poor rate.
14. Vestries of two or more neighbouring parishes may adopt the act.
15. Rates levied not to exceed 1d. in the pound. Accounts of board and commissioners to be open to inspection.
16. Power to council, &c. to borrow on mortgage.
17. Provisions of 8 & 9 Vict. c. 16, as to borrowing, extended to this act.
18. Lands, &c. may be appropriated, purchased, or rented for the purposes of this act.
19. Provisions of 8 & 9 Vict. c. 18, incorporated with this act.
20. Lands, &c. may be sold or exchanged.
21. General management to be vested in council, board, or commissioners.
22. Property of library, &c. to be vested in council, board, and commissioners respectively.
23. If any meeting determine against adoption of act, no other meeting to be called for a year.
24. Act may be adopted in the city of London if two-thirds of the persons rated to the consolidated rate, assembled at a public meeting, assent.
25. Museums to be free.
26. Extent of act.

CAP. LXXI.

An Act to authorise the Commissioners of the Treasury to make Arrangements concerning certain Loans advanced by way of Relief to the Islands of Antigua, Nevis, and Montserrat. [30th July, 1855.]

CAP. LXXII.

An Act for legalising and preserving the restored Standards of Weights and Measures. [30th July, 1855.]

- Sect. 1. Provisions concerning the restoration of the standards by reference to the pendulum, &c., 5 Geo. 4, c. 74, ss. 3, 5, repealed.
2. Restored standard yard established.
  3. Standard pound avoirdupois.
  4. Provisions of 5 Geo. 4, c. 74, 'not hereby repealed, &c., to remain in force.
  5. Copies of the old standards to continue to be legal.
  7. Provision for restoration of standards in case of loss, &c.

CAP. LXXIII.

An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland. [30th July, 1855.]

Whereas an act was passed in the session of Parliament holden in the 12 & 13 Vict. [c. 77], intituled "An Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland:" and whereas a certain other act was passed in the session of Parliament holden in the 15 & 16 Vict. [c. 67], intituled "An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland:" and whereas a certain other act was passed in the session of Parliament holden in the 16 & 17 Vict. [c. 64], intituled "An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland:" and whereas the extended period within which such applications under the said acts as are mentioned in sect. 11 of the said lastly-recited act might be made was limited to two years from the 28th July, 1853: and whereas it is expedient that the said period should be further extended: be it therefore enacted &c. as follows:— All such applications under the said recited acts or any of them as are mentioned in sect. 11 of the said lastly-recited act, and which are by the said section authorised to be made within two years from the 28th July, 1853, may be made within three years from the said 28th July, 1853; and all orders and proceedings by the said acts or any of them authorised, and which might be made, had, or taken upon any application made within the said period of two years, may be made, had, and taken within the further period authorised by this act.

CAP. LXXIV.

An Act to enable Grand Juries of Counties in Ireland to present for Payment of Expenses in certain Cases. [30th July, 1855.]

- Sect. 1. Grand jury may present for certain expenses incurred by treasurers of counties.
2. Continuance of act.

CAP. LXXV.

An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England. [30th July, 1855.]

Whereas an act was passed in the session holden in the 10 & 11 Vict. [c. 98], intituled "An Act to amend the Law as to Ecclesiastical Jurisdiction in England," by which it was enacted, that certain of the provisions therein contained should continue until the 1st August, 1848, and, if Parliament were then sitting, until the end of the then session of Parliament; and such provisions have been continued by sundry acts until the 1st August, 1855, and to the end of the then next session of Parliament: and whereas it is expedient that the said provisions should be further continued: be it therefore enacted &c. that the said provisions of the said act shall continue until the 1st August, 1856, and to the end of the then next session of Parliament.

CAP. LXXVI.

An Act to continue an Act of the Fifth and Sixth Years of her present Majesty for amending the Law relative to Private Lunatic Asylums in Ireland. [30th July, 1855.]

CAP. LXXVII.

An Act to give Effect to a Convention between her Majesty and the United States of America. [30th July, 1855.]

- Sect. 1. The sums payable by the Government of the United States to be divided among the British subjects whose claims have been allowed, and to be deemed a final settlement of th claims.

CAP. LXXVIII.

An Act to reduce certain Duties payable on Stage Carriages, and to amend the Laws relating to Stamp Duties, and to Bonds and Securities to the Inland Revenue. [30th July, 1855.]

- Sect. 1. Duties on stage carriages and supplementary licenses reduced.
2. Reduced duties to be raised &c. under existing powers.
  3. Sect. 12 of the 2 & 3 Will. 4, c. 120, repealed.
  4. Paper for covers or envelopes of letters provided by any person may be stamped with postage stamps.
  5. Prize money orders to be chargeable with the same duties as inland bills.
  6. Sects. 195, 196, and 197 of the 16 & 17 Vict. c. 107, to apply to bonds and securities relating to the inland revenue.

Whereas by an act passed in the session of Parliament holden in the 5 & 6 Vict. c. 79, certain duties contained in a schedule to the said act were granted and made payable, and amongst others the following duties on stage carriages in Great Britain; that is to say, for and in respect of every mile which any stage carriage shall be licensed to travel the duty of 1d., and for and in respect of every such supplementary license for a stage carriage as described in the said schedule the duty of 5s.; and it is expedient to reduce the said duties as hereinafter mentioned: be it therefore enacted &c. as follows:—

- Sect. 1. From and after the 1st July, 1855, there shall be charged and payable to her Majesty, her heirs and successors, the following reduced duties on stage carriages in Great Britain; that is to say, for and in respect of every mile which any stage carriage shall be licensed to travel 1d., and for and in respect of every such supplementary license as aforesaid the duty of 1s., in lieu of the duties granted in the like cases by the said recited act: provided always, that nothing herein contained shall extend to reduce or affect any duty which shall accrue or be incurred on or before the said 1st July.
2. The said duties by this act granted and made payable

shall be raised, levied, collected, and paid in like manner, and by and under the like powers and authorities, rules, and regulations, as the said duties granted by the said recited act are now raised, levied, collected, and paid under or by virtue of any act or acts in force.

3. From and after the passing of this act, sect. 12 of the act passed in the 2 & 3 Will. 4, c. 120, whereby the commissioners are authorised to compound with any person for the duties which may become payable in respect of any stage carriage, shall be and the same is hereby repealed.

4. And whereas by certain acts passed in that behalf the Commissioners of Inland Revenue are directed to provide stamps for denoting the several rates of postage of letters on paper provided by the said commissioners for the covers or envelopes of letters, and it is expedient to provide for the stamping with such stamps paper which any person may send to the said commissioners for that purpose: be it enacted, that it shall be lawful for the Commissioners of Inland Revenue, and they are hereby empowered, under such regulations as the Commissioners of her Majesty's Treasury may from time to time make or sanction in that behalf, to stamp paper which any person may send to the said first-named commissioners for the purpose of being stamped for covers or envelopes of letters with stamps provided for denoting the several rates of postage, on payment of the amount of the stamps required to be impressed on such paper, and in cases where such amount shall not exceed 10*l.*, upon payment in addition thereto of such fee as the said Commissioners of her Majesty's Treasury may direct or authorise to be taken in such cases.

5. And whereas under and by virtue of two several acts passed respectively, the one in the 2 & 3 Will. 4, c. 53, and the other in the 3 & 4 Will. 4, c. 29, a stamp duty of 1*s.* is payable upon orders made for the payment of prize money, or bounty money, or money upon grants due to non-commissioned officers and soldiers, and it is expedient in lieu thereof to subject such orders to the stamp duties chargeable on inland bills, drafts, or orders: be it enacted, that the stamp duty of 1*s.* payable under the said two last-mentioned acts on orders made for the payment of prize money, or bounty money, or money upon grants due to non-commissioned officers and soldiers, shall cease, and in lieu thereof all such orders shall be subject and liable to the like stamp duties as inland bills, drafts, or orders for the payment of money of the same amount and of the like tenor or effect are now by law subject and liable to.

6. And as to bonds and other securities relating to the inland revenue, all the powers, provisions, and regulations concerning bonds and other securities relating to the customs contained in sects. 195, 196, and 197 of the act passed in the session of Parliament holden in the 16 & 17 Vict. c. 107, shall *mutatis mutandis* be deemed to extend and shall be applied to all bonds and other securities entered into or given, or to be entered into or given, by any person or persons under the provisions of any act relating to the duties of excise, or to any other of the duties or matters under the control or management of the Commissioners of Inland Revenue, or otherwise in relation or incident thereto: provided always, that in any case in which, under the provisions of the said sections, any certificate is required to be signed, or any other matter is authorised to be done, by Commissioners of Customs, or any number of them, any such certificate or matter in relation to any bond or security concerning or incident to the inland revenue shall respectively be signed and done by the Commissioners of Inland Revenue, or the like number of them.

#### CAP. LXXIX.

An Act to amend the Law regarding the Burial of poor Persons by Guardians and Overseers of the Poor.

[30th July, 1855.]

Sect. 1. *Where burial ground of parish closed or overcrowded, guardians or overseers may bury in neighbouring parish.*

2. *Power to enter into agreements with cemetery companies or burial boards.*

3. *Construction of words to be as in the 4 & 5 Will. 4, c. 76, &c.*

Whereas by the act of the 7 & 8 Vict. c. 101, provisions were made for the burial of poor persons by guardians and overseers of the poor: and whereas, in consequence of the closing of the burial grounds in many parishes, and the want

of adequate space in others, great difficulty is frequently found in carrying into execution the above provisions, and it is expedient that other provisions should be made: be it therefore enacted &c.

Sect. 1. That where the guardians of any union or parish, or any of their officers duly authorised in that behalf, or the overseers of any parish not under a board of guardians, shall undertake the burial of any poor person, or shall contribute money or other aid towards the same, and the burial cannot take place in the parish where, according to the provisions of the said act, the same would have been required to take place, by reason of the public burial ground of such parish having been closed, and no other having been provided, or where, in consequence of the crowded state of such burial ground, the guardians or overseers respectively are of opinion that the burial of such dead body therein would be improper, it shall be lawful to bury such body in a public burial ground (some part of which has been consecrated) of or in some other parish as near as conveniently may be to the parish wherein the burial would have been required to take place according to the provisions of the said act: provided, that in all cases of burial under the direction of the guardians or their officers, or of the overseers, as aforesaid, the fee or fees payable by the custom of the place where the burial may be, or under the provisions of any act of Parliament, shall be paid by the said guardians or overseers for the burial of each such body to the person or persons who by such custom or under such act of Parliament shall be entitled to receive such fee or fees.

2. The guardians of any union or parish, or the overseers of any parish not under a board of guardians, may from time to time enter into agreements with the proprietors of any cemetery established under the authority of Parliament, or with any burial board duly constituted under the statutes in that behalf, for the burial of the dead bodies of any poor persons which such guardians or overseers may undertake to bury, or towards the burial whereof they may render assistance; and thereupon the burial of any such body, under the directions of the said guardians or their officers, or of such overseers, or with their aid respectively, in such cemetery, or in the burial ground of such burial board, (unless the deceased person, or the husband or wife or next of kin of such deceased person, have otherwise expressly desired), shall be lawful: provided, however, that no such agreement shall be valid unless made in such form and with such stipulations as the Poor-law Board shall approve.

3. The words contained in this act shall be construed in like manner as in the act of the 4 & 5 Will. 4, c. 76, and in the several acts incorporated therewith.

#### CAP. LXXX.

An Act to ratify conditional Agreements entered into by the Commissioners of her Majesty's Works and Public Buildings; and to vest in the said Commissioners certain Property situate near the College of Edinburgh, in the City of Edinburgh, together with the General Register House in the said City, and all Lands held therewith; and to enable the said Commissioners to acquire certain Property near the Palace of Holyrood.

[30th July, 1855.]

#### CAP. LXXXI.

An Act to amend the Law concerning the certifying and registering of Places of Religious Worship in England.

[30th July, 1855.]

Sect. 1. *The 15 & 16 Vict. c. 36, repealed, but places of worship certified thereunder to have force, &c.*

2. *Places of worship to be certified to registrar-general.*

3. *Places of meeting to be recorded.*

4. *Places of meeting already certified, save those certified under the 15 & 16 Vict. c. 36, may be certified to the registrar-general, and be recorded by him.*

5. *Fee of 2*s.* 6*d.* to be paid with certificate to superintendent registrar.*

6. *Notice to be given to registrar-general of every place of meeting becoming disused for the purposes for which it was certified.*

7. *List of certified places to be printed.*

8. *Direction to the registrar-general to cancel records of certificates of places of worship ceasing to be used as such.*



9. *Certified places exempted from the operation of "The Charitable Trusts Act, 1853."*
10. *Nothing to affect churches, &c. of Established Church.*
11. *Certificate of place having been certified to be given.*
12. *Summs received by or on account of registrar-general to be accounted for, and expenses defrayed as other expenses of the General Register Office.*
13. *To remove doubts as to validity of marriage.*
14. *Extent of act.*

Whereas by an act of the first session of 1 Will. & M. c. 18, and an act of the 52 Geo. 3, c. 155, places of meeting of congregations or assemblies for religious worship of Protestants (save as therein excepted with respect to places of worship of the Established Church and otherwise) were required to be certified to the bishop's or archdeacon's court, or to the general or quarter sessions of the peace, and to be registered in such court, and recorded at such sessions: and whereas by an act of the 31 Geo. 3, c. 32, every place of congregation or assembly for religious worship of persons professing the Roman Catholic religion is required to be certified to and recorded at the general or quarter sessions of the peace: and whereas by the two following acts respectively, that is to say, an act of the session holden in the 2 & 3 Will. 4, c. 115, and an act of the session holden in the 9 & 10 Vict. c. 59, her Majesty's subjects professing the Roman Catholic religion, and her Majesty's subjects professing the Jewish religion, in respect of their places for religious worship, are made subject to the same laws as Protestant Dissenters: and whereas by an act passed in the session holden in the 15 & 16 Vict. c. 36, places of meeting of congregations or assemblies for religious worship of Protestant Dissenters are required to be certified to the registrar-general of births, deaths, and marriages in England, and to be recorded in the General Register Office, in lieu of being certified to and registered and recorded in the bishop's or archdeacon's court, and at the general or quarter sessions, as hereinbefore mentioned: and whereas it is expedient that all places of religious worship, not being churches or chapels of the Established Church, should, if the congregation should desire, but not otherwise, be certified to the said registrar-general: be it therefore enacted &c. as follows:—

SECT. 1. The said act of the 15 & 16 Vict. c. 36, shall be repealed: provided always, that the certifying thereunder before the passing of this act of any place of meeting for religious worship shall, subject to the provisions hereinafter contained, have the same force and effect from the time of such certifying as if the same had been duly certified, registered, and recorded as before the passing of the said act of the 15 & 16 Vict. c. 36, was required by law, and such act and this act had not been passed.

2. Every place of meeting for religious worship of Protestant Dissenters or other Protestants, and of persons professing the Roman Catholic religion, by the said acts of Will. & M., the 31 and 52 Geo. 3, and the 15 & 16 Vict. c. 36, or any of them, required to be certified and registered or recorded as therein mentioned, and not heretofore certified and registered or recorded in manner required by law, and every place of meeting for religious worship of persons professing the Jewish religion not heretofore certified and registered or recorded as aforesaid, and every place of meeting for religious worship of any other body or denomination of persons, may be certified in writing to the registrar-general of births, deaths, and marriages in England, through the superintendent registrar of births, deaths, and marriages of the district in which such place may be situate; and such certificate shall be in duplicate, and upon forms in accordance with Schedule (A.) to this act, or to the like effect, such forms to be provided by the said registrar-general, and to be obtained (without payment) upon application to such superintendent registrar as aforesaid; and the said superintendent registrar shall, upon the receipt of such certificate in duplicate, forthwith transmit the same to the said registrar-general, who, after having caused the place of meeting therein mentioned to be recorded as hereinafter directed, shall return one of the said certificates to the said superintendent registrar, to be re-delivered by him to the certifying party, and shall keep the other certificate with the records of the General Register Office.

3. The said registrar-general shall cause all places of meeting for religious worship certified to him under this act to be recorded in a book to be kept by him for that purpose at the General

Register Office, and no such place of meeting as aforesaid shall be certified to or registered in any court of any bishop or archdeacon, or be certified to or recorded at any general or quarter sessions; and the certifying to the said registrar-general of any such place of meeting for religious worship of Protestant Dissenters or other Protestants, or Roman Catholics, or persons professing the Jewish religion, and of any place of meeting for religious worship of any other body or denomination of persons, shall, subject to the provisions herein contained, have the same force and effect as if such place had been duly certified and recorded, or registered and recorded, as before the passing of the said act of the 15 & 16 Vict. c. 36, was required by law, and such act and this act had not been passed.

4. Any place of meeting for religious worship heretofore certified and registered or recorded in manner required by law, and which continues to be used for religious worship, save any such place of meeting certified to the said registrar-general under the said act of the 15 & 16 Vict. c. 36, may, at any time after the passing of this act, be certified in writing to such registrar-general through the superintendent registrar of the district in which such place may be situate, and shall be recorded by such registrar-general in manner hereinbefore mentioned concerning places of meeting not heretofore certified and registered or recorded.

5. Upon the delivery of every certificate to the superintendent registrar for transmission to the registrar-general for the purpose of being recorded under this act, the person delivering the same shall pay to such superintendent registrar for his own use the sum of 2s. 6d., and it shall not be lawful to demand or take any greater fee or reward for the same respectively.

6. Whenever any place of meeting for religious worship which may have been certified under the said act of the 15 & 16 Vict. c. 36, or this act, shall have wholly ceased to be used as a place of meeting for religious worship, the person or one of the persons who so certified or last certified the same, (as the case may be), or the trustee or one of the trustees for the time being of such place of meeting, or the owner or occupier or one of the owners or occupiers thereof, shall, if then resident within the superintendent registrar's district within which such place shall be situate, forthwith give notice to the registrar-general, through such superintendent registrar, that such place has so ceased to be used as a place of meeting for religious worship, such notice to be in a form in accordance with the Schedule (B.) to this act, or to the like effect, and which form shall be provided by the said registrar-general, and may be obtained (without payment) upon application to the said superintendent registrar; and the person giving such notice shall sign the same in the presence of such superintendent registrar or of his deputy, who shall forthwith transmit the same through the general post to the registrar-general at the General Register Office.

7. The said registrar-general shall in the year 1856, and also at such subsequent periods as one of her Majesty's Principal Secretaries of State shall from time to time in that behalf order or direct, make out and cause to be printed a list of all places of meeting which have been certified to and recorded by him under the 15 & 16 Vict. c. 36, or this act, and the record of which has not been cancelled as hereinafter provided, and shall state in such list the county and superintendent registrar's district within which each of such places of meeting is situated, and the religious denomination to which the persons for the time being certifying it belong, and shall cause a copy of such list to be sent to every superintendent registrar of births, deaths, and marriages in England, and such list shall be open at all reasonable times to all persons desirous of inspecting the same, on payment to such superintendent registrar of a fee of 1s.

8. Whenever it shall appear to the satisfaction of the said registrar-general, from any notice which shall have been given to him as aforesaid, or otherwise, that any certified place of meeting for religious worship has wholly ceased to be used as such, the said registrar-general shall cause the record of such certification to be cancelled, and shall give public notice of the cancellation thereof by advertisement in some newspaper circulating within the district in which such place of meeting is situated, and in the London Gazette, and shall also expunge the name of such place from the list of certified places so to be printed by him as aforesaid; and after such cancellation and publication thereof as aforesaid, such place shall cease to be deemed duly certified as by law required, and shall so

remain until it shall have been duly certified afresh under this act.

9. Every place of meeting for religious worship certified to the said registrar-general under the said act of the 15 & 16 Vict. c. 36, or this act, and recorded by him as aforesaid, so long as the same continues to be bona fide used as a place of religious worship, and the record of the certification thereof has not been cancelled as hereinbefore is provided, shall be wholly freed and exempted from the operation of an act passed in the session holden in the 16 & 17 Vict. c. 137, intituled "The Charitable Trusts Act, 1853," and shall not be subject or liable to any of the provisions of the same act, save that the exempted charities may avail themselves of the 63rd and 64th sections of the said act, if they shall think fit.

10. Nothing in this act shall affect or be construed to affect the churches or chapels of the United Church of England and Ireland, or the celebration of divine service according to the rites and ceremonies of the said united church by ministers of such church, in any place hitherto used for such purpose, or being now or hereafter duly consecrated or licensed by any archbishop or bishop, or other person lawfully authorised to consecrate or license the same.

11. The registrar-general, on payment to him of a fee of 2s. 6d., shall, with respect to any place certified to him as a place of meeting for religious worship, the record whereof remains uncancelled, give to any person demanding the same a certificate, sealed or stamped with the seal of the General Register Office, that at the time or respective times in such certificate in that behalf stated the place therein described was duly certified and duly recorded as required by this act, and that at the date of such sealed or stamped certificate the record of such certification remained uncancelled; and every such sealed or stamped certificate, if tendered in evidence upon any trial or other judicial proceeding in any civil or criminal court, shall be received as evidence of the said several facts therein mentioned, without any further or other proof of the same.

12. All sums to be received by or on account of the registrar-general in pursuance of this act shall be accounted for and paid in manner directed by the said act of the 7 Will. 4, "for registering births, deaths, and marriages in England," with respect to sums received by him or on his account under the provisions of that act; and all expenses incurred by the said registrar-general, or by any superintendent registrar, or registrar, with his sanction and acting under his direction or authority, in carrying this act into execution and making known its provisions, shall be deemed to have been incurred in carrying on the business of the General Register Office, and be defrayed accordingly.

13. Notwithstanding the provisions of this or any other act, all marriages which heretofore have been had or solemnised in any building which has been registered for the solemnisation of marriages pursuant to the provisions of an act passed in the 6 & 7 Will. 4, c. 35, but which may not have been certified as required by the provisions of this or any other act, shall be as valid in all respects as if such place of worship had been so certified.

14. This act shall not extend to Scotland or Ireland.

## SCHEDULES REFERRED TO IN THE FOREGOING ACT.

### SCHEDULE (A.)

#### To the Registrar-General of Births, Deaths, and Marriages in England.

I, the undersigned, [here insert the name, residence, and county in which it is situate, and the rank or profession of the party certifying], —, of —, in the county of —, do hereby, under and by virtue of an act passed in the — year of her Majesty Queen Victoria, intituled "An Act to amend the Law concerning the certifying and registering of Places of Religious Worship in England," certify that a certain building known by the name of —, situated at —, in the county of —, within the superintendent registrar's district of —, [was used as a place of meeting for religious worship before the 30th June, 1852, and], [if the place was not so used before the 30th June, 1852, expunge the words within brackets], is intended to be used as heretofore, [if the building have not been previously used as a place of worship, erase the words "as heretofore"], and will accordingly be forthwith used as a place of meeting for religious worship by a congrega-

tion or assembly of persons calling themselves [here insert "Protestant Dissenters," "Independents," "Particular Baptists," "Wesleyan Methodists," "Roman Catholics," "Jews," or other religious denomination of, or religious appellation adopted by, the persons on whose behalf the building is certified; but if those persons decline to describe themselves by any distinctive appellation, erase the words "calling themselves," and insert "who object to be designated by any distinctive religious appellation"]; and I request that this certificate may be recorded in the General Register Office, pursuant to the said act. Dated this — day of —, 185—.

(Signature of the party certifying).

[Insert here, immediately under the signature, the word "minister," "proprietor," "a trustee," "occupier," "an attendant," or such other words as will clearly show the connexion subsisting between the person certifying and the place of meeting] of the place of meeting above described.

### SCHEDULE (B.)

#### To the Registrar-General of Births, Deaths, and Marriages in England.

I, the undersigned —, of —, in the county of —, being the person or one of the persons who certified or last certified [or, "being the trustee," or, "one of the trustees," or, "the owner," or, "occupier," or, "one of the owners or occupiers," (as the case may be), of] a certain building known by the name of —, [or, "a certain dwelling-house," &c., (as the case may be)], situate at —, in the county of —, within the superintendent registrar's district of —, [and being now resident within the same district], do hereby declare and give you notice, in pursuance of an act passed in the — year of her present Majesty, c. —, that the aforesaid building, [or, "dwelling-house," &c.], which was on the — day of —, 185—, recorded by you as a place of meeting for religious worship by a congregation or assembly of persons calling themselves —, [or, "by a congregation or assembly of Roman Catholics," or, "of persons belonging to the Society of Friends," or, "of persons professing the Jewish religion," (as the case may be)], has wholly ceased to be used as a place for public religious worship. Witness my hand this — day of —, 185—.

### CAP. LXXXII.

An Act to abolish certain Payments charged on the Consolidated Fund in favour of the Provost and Fellows of Trinity College, Dublin, and of certain Professors in the said College; and to repeal the Stamp Duties payable on Matriculations and Degrees in the University of Dublin.

[14th August, 1855.]

### CAP. LXXXIII.

An Act to continue certain Acts for regulating Turnpike Roads in Ireland.

[14th August, 1855.]

### CAP. LXXXIV.

An Act to provide for the Performance of certain Duties of the Speaker during his temporary Absence from the House of Commons.

[14th August, 1855.]

Sect. 1. Acts done &c. by Deputy Speaker during absence of Speaker valid.

2. Deputy Speaker not to appoint to any office.

3. Nothing herein to affect election of Speaker, &c.

### CAP. LXXXV.

An Act for carrying into effect the Engagements between her Majesty and certain Chiefs of the Sherbro Country near Sierra Leone, in Africa, for the more effectual Suppression of the Slave Trade.

[14th August, 1855.]

### CAP. LXXXVI.

An Act for securing the Liberty of Religious Worship.

[14th August, 1855.]

Sect. 1. No prosecution to be maintainable for assembling for religious worship in a place of meeting not certified.

2. Construction of certain parts of the 2 & 3 Will. 4, c. 115, and 9 & 10 Vict. c. 59, as to places of worship of Roman Catholics and Jews.

Whereas it is expedient that the laws affecting assemblies for religious worship should be amended: and whereas by an act passed in the 1 Will. & M., [sess. 1, c. 18], intituled "An Act for exempting their Majesties' Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws," it is enacted that no congregation or assembly for religious worship shall be permitted or allowed until the place of such meeting shall be certified and registered or recorded as described in such act: and whereas by an act passed in the 52 Geo. 3, c. 155, intituled "An Act to repeal certain Acts, and to amend other Acts, relating to Religious Worship and Assemblies, and Persons teaching or preaching therein," it is enacted that no congregation or assembly for religious worship of Protestants (at which there shall be present more than twenty persons, besides the immediate family and servants of the person in whose house or upon whose premises such meeting, congregation, or assembly shall be had) shall be permitted or allowed unless the place of such meeting is certified as described in such act, and that every person who shall knowingly permit or suffer any congregation or assembly as aforesaid to meet in any place occupied by him, until the same shall have been so certified, shall forfeit for every time any such congregation or assembly shall meet a sum not exceeding 20l. nor less than 20s., at the discretion of the justices who shall convict for such offence: be it enacted &c. as follows:—

Sect. 1. From and after the passing of this act, nothing contained in the above-mentioned acts, or in an act passed in the 15 & 16 Vict. c. 36, shall apply to the congregations or assemblies hereinafter mentioned, or any of them; that is to say—

- (1). To any congregation or assembly for religious worship held in any parish or any ecclesiastical district, and conducted by the incumbent, or in case the incumbent is not resident, by the curate of such parish or district, or by any person authorised by them respectively:
- (2). To any congregation or assembly for religious worship meeting in a private dwelling-house, or on the premises belonging thereto:
- (3). To any congregation or assembly for religious worship meeting occasionally in any building or buildings not usually appropriated to purposes of religious worship:

and no person permitting any such congregation to meet as herein mentioned in any place occupied by him shall be liable to any penalty for so doing.

2. So much of an act passed in the 2 & 3 Will. 4, c. 115, as enacts that her Majesty's subjects professing the Roman Catholic religion, in respect to their places for religious worship, shall be subject to the same laws as the Protestant Dissenters are subject to, and so much of an act passed in the 9 & 10 Vict. c. 59, as enacts that her Majesty's subjects professing the Jewish religion, in respect to their places for religious worship, shall be subject to the same laws as Protestant Dissenters are subject to, shall be respectively read as applicable to the laws to which Protestant Dissenters in England are subject for the time being after the passing of this act.

#### CAP. LXXXVII.

An Act to amend the Act for the better Care and Reformation of Youthful Offenders, and the Act to render Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children. [14th August, 1855.]

Sect. 1. *Sects. 5 and 6 of the 17 & 18 Vict. c. 86, repealed.*

2. *Provision for enforcing contribution by parents to the maintenance of juvenile offenders in reformatory schools.*
3. *Recovery of sums ordered to be paid.*
4. *Contribution, how to be enforced in Scotland.*
5. *Payments may be remitted by Secretary of State or Lord Advocate.*
6. *In Scotland justices of peace to have same power with sheriff.*
7. *Powers given to sheriffs, &c. under the 17 & 18 Vict. c. 74, may be exercised by justices.*

Whereas it is expedient to amend the act of the last session of Parliament, 17 & 18 Vict. c. 86, "for the better Care and Reformation of Youthful Offenders in Great Britain," so far as respects the provision thereby made for charging the parent or step-parent of an offender in certain cases with payments

towards his maintenance or support: be it therefore enacted &c. as follows:—

Sect. 1. *Sects. 5 and 6 of the said act shall be repealed.*

2. In every case in which any juvenile offender shall be detained in a reformatory school under the said act, the parent or step-parent, if of sufficient ability, shall be liable to contribute to his support and maintenance a sum not exceeding 5s. a week; and it shall be lawful in England and Wales for any two justices of the peace, upon the complaint of any person authorised by one of her Majesty's Principal Secretaries of State to take proceedings in that behalf, to summon the parent or step-parent, as the case may be, and examine into his or her ability, and (if on consideration of all the circumstances of the case they think fit) to make an order upon him or her for such weekly payment, not exceeding 5s. per week, as they shall think reasonable, during the whole or any part of the detention of such juvenile offender in such reformatory school, such payment to be made at such times as by such order may be directed, to the person so authorised to take proceedings as aforesaid, or to such person as the Secretary of State may from time to time appoint to receive the same, and by him to be accounted for and paid as the Commissioners of her Majesty's Treasury may direct.

3. In case default be made for the space of fourteen days in payment of any sum of money which may have become payable by such parent or step-parent under such order, such sum of money shall in every such case be levied upon the goods and chattels of the defendant by distress and sale thereof; and if it shall appear to the said justices, on confession of defendants or otherwise, or if it shall be returned to the warrant of distress in any such case, that no sufficient goods of the party against whom such warrant shall have been issued can be found, it shall be lawful for the justice to whom such return is made, or for any other justice of the peace for the same county, riding, division, liberty, city, borough, or place, by his warrant as aforesaid, to commit the defendant to the house of correction or common gaol for any term not exceeding ten days, unless the sum to be paid, and all costs and charges of the distress, and of the commitment and conveying of the defendant to prison, (the amount thereof being ascertained and stated in such commitment), shall be sooner paid.

4. In Scotland an action for payment of sums for the support and maintenance of a juvenile offender under the said act shall and may be raised before the sheriff or any two justices of the peace within the county in which sentence was passed on the offender, or in which the defender in such action may happen to reside; and such action shall and may be brought by the procurator fiscal of the sheriff court of such county, and by no one else; and it shall be lawful for the sheriff or justices before whom such action is brought to inquire into the circumstances of the party sued, and to decree for payment of such weekly sum, not exceeding 5s. per week during the period of detention of such offender, as he or they shall think fit, or, in his or their discretion, to dismiss the action; and such decree for payment of a weekly sum shall be held to be and have all the effect of a decree in each week for payment of the sum ordered to be paid for such week; and the sums recovered shall be accounted for and paid as the Commissioners of her Majesty's Treasury may direct.

5. It shall be lawful for one of her Majesty's Principal Secretaries of State, or in Scotland for the Lord Advocate, from time to time, where such Secretary of State or Lord Advocate shall in his discretion think fit, to remit all or any part of any weekly payment which may have been made payable by any order under this act.

6. In Scotland any two or more justices of the peace shall within the bounds of their jurisdiction have the same powers as are by the said recited act conferred on any sheriff, magistrate of a burgh, or police magistrate.

7. And whereas by the act of the last session of Parliament, c. 74, intituled "An Act to render Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children," certain powers are given to be exercised in Scotland by sheriffs or magistrates: be it enacted, that all such powers may be exercised by any justice of the peace in Scotland within the limits of his jurisdiction; and the word "magistrate," as used in the said last-mentioned act, shall be deemed to include the words "justice of the peace."

## CAP. LXXXVIII.

An Act to facilitate the Erection of Dwelling-houses for the Working Classes in Scotland. [14th August, 1855.]

Sect. 1. Persons proposing to form association for erecting or improving dwelling-houses under act to apply to sheriff for his sanction.

2. Sheriff, if satisfied with contract, plans, &c., may inter-pene his sanction and grant warrant for recording the contract and proceeding with the undertaking.

3. On registration, the members of the association and their successors to subsist as an association for the purposes of the act, subject to only a limited liability for debts, &c.

4. Association may acquire property, and sheriff may grant warrant for erection of additional dwelling-houses.

5. When work duly executed sheriff to declare so, and till then not lawful to let or dispose of houses nor transfer shares.

6. No engagement lawful except for purposes of association, or beyond stock or rents.

7. Title of association to be effectual in perpetuity, without renewal of the investiture.

8. Rules in contract to be real burthens on the property.

9. Shares to be deemed moveable estate.

10. As to transfer of shares.

11. Contract may provide either that houses may be held and let, or that they may be disposed of in separate lots.

12. Where lots are provided to be disposed of, the association to lodge with sheriff clerk a plan and a register book for recording transfers thereof.

13. Mode of disposing lots by the association.

14. Recovery of feu duty.

15. Powers of owners in repairing and rebuilding.

16. As to subsequent transfers.

17. Mode of registering right of the representative of a party deceased.

18. Inhibitions and adjudications.

19. Each dwelling shall constitute a distinct lot, not liable to subdivision.

20. Fees for recording entries in register book.

21. The stamp duties on tacks and transfers may be denoted by impressed or adhesive stamps. Adhesive stamps to be adapted for certain particulars.

22. Register book open to inspection, and extract of entries to be received in evidence.

23. Power to acquire dilapidated or noisome buildings in towns.

24. Court may remit to sheriff to ascertain value.

25. Sheriff to ascertain value according to provisions of Lands Clauses Act.

26. Value or price, when ascertained, to be lodged in Bank in name of accountant of Court of Session, and Court thereupon to adjudge property to association.

27. Accountant to receive claims on money lodged.

28. And to prepare a scheme of division.

29. Party dissatisfied with scheme may appeal to Court of Session.

30. Accountant to divide price, retaining the amount unclaimed, or to which no right made good.

31. Expenses of procedure.

32. Accountant yearly to lay before Court a state of retained monies.

33. Interest on monies lodged in Bank to be yearly added to capital.

34. Sheriff may in certain cases sanction the disposal of the buildings for other objects.

35. Short title.

36. Interpretation of terms.

37. Nothing to exempt association from provisions of future general acts.

## CAP. LXXXIX.

An Act to amend the Provisions of the Huddersfield Burial Ground Act, 1852. [14th August, 1855.]

## CAP. XC.

An Act for the Payment of Costs in Proceedings instituted on behalf of the Crown in Matters relating to the Revenue, and for the Amendment of the Procedure and Practice in Crown Suits in the Court of Exchequer. [14th August, 1855.]

Sect. 1. In all Crown suits, &c., where the Crown is suc-

cessful, costs to be recovered as between subject and subject.

2. Defendant entitled to costs if successful against the Crown.

3. Power to judges to make rules and orders for regulation of pleading and practice in Crown suits.

Whereas in divers proceedings instituted by or on behalf of the Crown against the Queen's subjects in respect of matters relating to the revenue no costs are recovered by the Crown except in certain cases, and no costs are paid by the Crown to the subject: and whereas it is expedient to assimilate the law as to the recovery of costs in such proceedings by or on behalf of the Crown to that in force as to proceedings between subject and subject: be it therefore enacted &c. as follows:—

Sect. 1. In all informations, actions, suits, and other legal proceedings to be hereafter instituted before any court or tribunal whatever in the United Kingdom of Great Britain and Ireland, by or on behalf of the Crown, against any corporation or person or persons, in respect of any lands, tenements, or hereditaments, or of any goods or chattels, belonging or accruing to the Crown, the proceeds whereof, or the rents or profits of which said lands, tenements, or hereditaments, by any act now in force or hereafter to be passed, are to be carried to the Consolidated Fund of Great Britain and Ireland, or in respect of any sum or sums of money due and owing to her Majesty by virtue of any vote of Parliament for the service of the Crown, or of any act of Parliament relating to the public revenue, her Majesty's Attorney-General, or in Scotland the Lord Advocate, shall be entitled to recover costs for and on behalf of her Majesty, where judgment shall be given for the Crown, in the same manner, and under the same rules, regulations, and provisions as are or may be in force touching the payment or receipt of costs in proceedings between subject and subject, and such costs shall be paid into the Exchequer, and shall become part of the Consolidated Fund.

2. If in any such information, action, suit, or other proceeding judgment shall be given against the Crown, the defendant or defendants shall be entitled to recover costs, in like manner, and subject to the same rules and provisions, as though such proceeding had been had between subject and subject; and it shall be lawful for the Commissioners of her Majesty's Treasury and they are hereby required to pay such costs out of any monies which may be hereafter voted by Parliament for that purpose.

3. And whereas the procedure and practice in informations, suits, and other proceedings instituted by or on behalf of the Crown in her Majesty's Court of Exchequer is dilatory, and requires amendment, and it is desirable that the same should be assimilated as near as may be to the course of practice and procedure now in force in actions and suits between subject and subject: be it enacted, that it shall be lawful for the Barons of her Majesty's Court of Exchequer in England, or any three of them, and also for the Barons of her Majesty's Court of Exchequer in Ireland, or any three of them, in their respective courts, to make all such general rules and orders for the regulation of the pleading and practice in such informations, suits, and other proceedings, and to frame such writs and forms of proceedings, as to them may seem expedient for the purpose aforesaid; and all such rules, orders, or regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or if Parliament be not sitting, then within five days after the next meeting thereof; and no such rule, order, or regulation shall have effect until three months after the same shall have been so laid before both Houses of Parliament; and any rule, order, or regulation so made shall, from and after such time aforesaid, be binding and obligatory on the said court, and on all courts of error into which any judgment of the said court shall be carried by any writ of error, and be of the like force and effect as if the provisions contained therein had been expressly enacted by Parliament: provided always, that it shall be lawful for the Queen's most excellent Majesty by any proclamation inserted in the London Gazette, or for either of the Houses of Parliament by any resolution passed at any time within three months next after such rules, orders, and regulations shall have been laid before Parliament, to suspend the whole or any part of such rules, orders, or regulations, and in such case the whole, or such part thereof as shall be so suspended, shall not be binding and obligatory on the said courts, or on any other court of common law or court of error.

CAP. XCI.

An Act to facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854. [14th August, 1855.]

Sect. 1. *Short title of act.* 17 & 18 Vict. c. 104.

COLONIAL LIGHTHOUSES.

2. *Her Majesty may by Order in Council fix dues for colonial lighthouses.*
3. *No such dues to be levied in any colony without the consent of the colonial legislature.*
4. *Mode of collecting the said dues.* 17 & 18 Vict. c. 104, ss. 399, 400, 401.
5. *Dues to be paid over to her Majesty's Paymaster-General.*
6. *Dues to be applied to expenses of lighthouse, &c. for which they are levied.*
7. *Power to borrow money on security of dues.* 17 & 18 Vict. c. 104, ss. 424, 425, 426.
8. *Accounts for each lighthouse, &c. to be kept, and laid before Parliament, and to be audited.* 17 & 18 Vict. c. 104, s. 428.

REGISTRY OF SHIPS.

Part II of Merchant Shipping Act, 1854.

9. *Penalty on false declarations under Part II of Merchant Shipping Act.* 17 & 18 Vict. c. 104, s. 103.
10. *Shares in shipping within the Trustee Act, 1850.* 13 & 14 Vict. c. 60.
11. *Forms of instruments.* 17 & 18 Vict. c. 104, s. 96.
12. *Delivery of certificate upon transfer of registry.* 17 & 18 Vict. c. 104, s. 90.
13. *Exemption of certain ships from having name painted on stern.* 17 & 18 Vict. c. 104, s. 34.
14. *Ships measured under Rule II may be measured under Rule I.* 17 & 18 Vict. c. 104, ss. 21, 22.
15. *General register books in London.* 17 & 18 Vict. c. 104, s. 107.

MASTERS AND SEAMEN.

Part III of Merchant Shipping Act, 1854.

16. *Extension of provisions concerning the relief of destitute seamen.* 17 & 18 Vict. c. 104, ss. 211, 212, 213.
17. *Enactment concerning savings banks extended to seamen in the navy.* 17 & 18 Vict. c. 104, s. 180.
18. *Additional powers of naval courts.* 17 & 18 Vict. c. 104, ss. 260 to 266.

WRECKS, CASUALTIES, AND SALVAGE.

Part VIII of Merchant Shipping Act, 1854.

19. *In case of wreck of foreign ships, consul-general to be deemed agent of owner.*
20. *Remuneration for services by coast guard.*

LEGAL PROCEDURE.

Part X of Merchant Shipping Act, 1854.

21. *Jurisdiction in case of offences on board ship.* 12 & 13 Vict. c. 96.

MISCELLANEOUS.

Part XI of Merchant Shipping Act, 1854.

22. *Relief of destitute Lascars.*
23. *Contracts may be made with natives in India, under certain conditions, binding them to go to the United Kingdom, and then to serve in other ships back to India or elsewhere.*
24. *Saving of former enactments.* 4 Geo. 4, c. 80, ss. 25 to 34; 17 & 18 Vict. c. 120, s. 16.

Whereas it is expedient to make provision for facilitating the erection and maintenance of lighthouses in the British possessions abroad, and otherwise to amend the Merchant Shipping Act, 1854: be it therefore enacted &c. as follows:—

Sect. 1. This act may be cited as "The Merchant Shipping Act Amendment Act, 1855," and shall be taken to be part of the Merchant Shipping Act, 1854, and shall be construed accordingly.

COLONIAL LIGHTHOUSES.

2. In any case in which any lighthouse, buoy, or beacon has been or is hereafter erected or placed on or near the coasts of any British possession, by or with the consent of the legisla-

tive authority of such possession, her Majesty may, by Order in Council, fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same or derives benefit therefrom, as her Majesty may deem reasonable, and may in like manner from time to time increase, diminish, or repeal such dues, and from the time specified in such order for the commencement of the dues thereby fixed, increased, or diminished, the same shall be leviable throughout her Majesty's dominions in manner hereinafter mentioned.

3. No such dues as aforesaid shall be levied in any colony unless and until the legislative authority in such colony has, either by address to the Crown, or by an act or ordinance duly passed, signified its opinion that the same ought to be levied in such colony.

4. The said dues shall in the United Kingdom be collected by the same persons by whom, and by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, by, in, and subject to which the light dues leviable under the Merchant Shipping Act, 1854, are collected; and shall in each British possession abroad be collected by such persons as the governor of such possession abroad may appoint for the purpose, and shall be collected by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, by, in, and subject to which the light dues leviable under the Merchant Shipping Act, 1854, are paid and collected, or by such other means, in such other manner, and subject to such other conditions as the legislative authority in such possession may direct.

5. All dues levied under this act shall be paid over to her Majesty's Paymaster-General at such times and in such manner as the Board of Trade may direct, and shall be applied, paid, and dealt with by him, for the purposes hereinafter mentioned, in such manner as such board may direct.

6. The dues levied under the authority of this act in respect of any such lighthouse, buoy, or beacon as aforesaid shall, after deducting any expenses incurred in collecting the same, be applied for the purpose of paying the expenses incurred in erecting and maintaining such lighthouse, buoy, or beacon, and for no other purpose whatever.

7. For the purpose of constructing or repairing any such lighthouse, buoy, or beacon as aforesaid, the Board of Trade may raise, upon the security of the dues to be levied in respect thereof, such sums of money as they may deem fit; and the Commissioners of her Majesty's Treasury, out of any monies which may be provided by Parliament, the Public Works Loan Commissioners, or any other person or body of persons, may advance the same accordingly, such advances to be made in the same manner, with the same powers, and subject to the same provisions, so far as circumstances permit, in, with, and subject to which, under the Merchant Shipping Act, 1854, advances may be made upon the security of the Mercantile Marine Fund for the construction and repair of lighthouses in the United Kingdom.

8. Accounts shall be kept of all sums expended in the construction, repair, or maintenance of every lighthouse, buoy, or beacon in the British possessions abroad for which dues are levied under the authority of this act, and of the dues received in respect thereof; in such manner as the Board of Trade may direct, and shall be laid before Parliament annually; and the said accounts shall be audited in such manner as her Majesty may by Order in Council direct.

REGISTRY OF SHIPS.

Part II of Merchant Shipping Act, 1854.

9. Any person who, in any declaration made in the presence of or produced to any registrar of shipping, in pursuance of the second part of the Merchant Shipping Act, 1854, or in any documents or other evidence produced to such registrar, wilfully makes, or assists in making, or procures to be made, any false statement concerning the title to, or the ownership of, or the interests existing in any ship, or any share or shares in any ship, or who utters, produces, or makes use of any declaration or document containing any such false statement, knowing the same to be false, shall be guilty of a misdemeanour.

10. Shares in ships registered under the said Merchant Shipping Act, 1854, shall be deemed to be included in the word "stock," as defined by the Trustee Act, 1850, and the provisions of such last-mentioned act shall be applicable to such shares accordingly.

11. In any case in which any bill of sale, mortgage, or other instrument for the disposal or transfer of any ship, or

any share or shares therein, or of any interest therein, is made in any form or contains any particulars other than the form and particulars prescribed and approved for the purpose by or in pursuance of the Merchant Shipping Act, 1854, no registrar shall be required to record the same without the express direction of the Commissioners of her Majesty's Customs.

12. Upon the transfer of the registry of a ship from one port to another, the certificate of registry required by the 90th section of the Merchant Shipping Act, 1854, to be delivered up for that purpose, may be delivered up to the registrar of either of such ports.

13. The Commissioners of Customs may, with the consent of the Board of Trade, exempt any pleasure yacht from the provision contained in the 34th section of the Merchant Shipping Act, 1854, which requires the name of every ship, and the port to which she belongs, to be painted on her stern.

14. The owner of any ship which is measured under rule 2 contained in the 22nd section of the Merchant Shipping Act, 1854, may at any subsequent period apply to the Commissioners of Customs to have the said ship remeasured under rule 1 contained in the 21st section of the same act, and the said commissioners may thereupon, and upon payment of such fee not exceeding 7s. 6d. for each transverse section as they may authorise, direct the said ship to be remeasured accordingly, and the number denoting the register tonnage shall be altered accordingly.

15. The copy or transcript of the register of any British ship which is kept by the chief registrar of shipping at the Custom-house in London, or by the registrar-general of seamen, under the direction of her Majesty's Commissioners of Customs or of the Board of Trade, shall have the same effect, to all intents and purposes, as the original register of which the same is a copy or transcript.

#### MASTERS AND SEAMEN.

##### *Part III of Merchant Shipping Act, 1854.*

16. The Board of Trade may issue instructions concerning the relief to be administered to distressed seamen and apprentices, in pursuance of the 211th and 212th sections of the Merchant Shipping Act, 1854, and may by such instructions determine in what cases and under what circumstances and conditions such relief is to be administered; and all powers of recovering expenses incurred with respect to distressed seamen and apprentices, which by the 213th section of the said act are given to the Board of Trade, shall extend to all expenses incurred by any foreign Government for the purposes aforesaid, and repaid to such Government by her Majesty's Government, and shall likewise extend to any expenses incurred by the conveying home such seamen or apprentices in foreign as well as British ships; and all provisions concerning the relief of distressed seamen and apprentices, being subjects of her Majesty, which are contained in the said sections of the said act, and in this section, shall extend to such seamen and apprentices, not being subjects of her Majesty, as are reduced to distress in foreign parts by reason of their having been shipwrecked, discharged, or left behind from any British ship; subject nevertheless to such modifications and directions concerning the cases in which relief is to be given to such foreigners, and the country to which they are to be sent, as the Board of Trade may, under the circumstances, think fit to make and issue.

17. The enactment of the Merchant Shipping Act, 1854, relating to savings banks shall apply to all seamen, and to their wives and families, whether such seamen belong to the royal navy or to the merchant service, or to any other sea service.

18. Any naval court summoned, under the provisions of the Merchant Shipping Act, 1854, to hear any complaint touching the conduct of the master or any of the crew of any ship, shall, in addition to the powers given to it by the said act, have power to try the said master or any of the said crew for any offences against the Merchant Shipping Act, 1854, in respect of which two justices would, if the case were tried in the United Kingdom, have power to convict summarily, and by order duly made to inflict the same punishments for such offences which two justices might in the case aforesaid inflict upon summary conviction: provided, that in cases where an offender is sentenced to imprisonment the sentence shall be confirmed in writing by the senior naval or consular officer present at the place where the court is held, and the place of imprisonment, whether on land or on board ship, shall be approved by him as a proper place for the purpose; and copies

of all sentences made by any naval court summoned to hear any such complaint as aforesaid shall be sent to the commander-in-chief or senior naval officer of the station.

#### WRECKS, CASUALTIES, AND SALVAGE.

##### *Part VIII of Merchant Shipping Act, 1854.*

19. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of the United Kingdom, or belonging to or forming part of the cargo thereof, are found on or near such coasts, or are brought into any port in the United Kingdom, the consul-general of the country to which such ship, or, in the case of cargo, to which the owners of such cargo, may have belonged, or any consular officer of such country authorised in that behalf by any treaty or agreement with such country, shall, in the absence of the owner of such ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of such articles.

20. In cases where services are rendered by officers or men of the coast guard service in watching or protecting shipwrecked property, then, unless it can be shewn that such services have been declined by the owner of such property or his agent at the time they were tendered, or that salvage has been claimed and awarded for such services, the owner of the shipwrecked property shall pay in respect of the said services remuneration according to a scale to be fixed by the Board of Trade, so, however, that such scale shall not exceed any scale by which payment to officers and men of the coast guard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated; and such remuneration shall be recoverable by the same means, and shall be paid to the same persons, and accounted for and applied in the same manner as fees received by receivers appointed under the Merchant Shipping Act, 1854.

#### LEGAL PROCEDURE.

##### *Part X of Merchant Shipping Act, 1854.*

21. If any person, being a British subject, charged with having committed any crime or offence on board any British ship on the high seas or in any foreign port or harbour, or if any person, not being a British subject, charged with having committed any crime or offence on board any British ship on the high seas, is found within the jurisdiction of any court of justice in her Majesty's dominions which would have had cognisance of such crime or offence if committed within the limits of its ordinary jurisdiction, such court shall have jurisdiction to hear and try the case as if such crime or offence had been committed within such limits: provided, that nothing contained in this section shall be construed to alter or interfere with the act of the 12 & 13 Vict. c. 96.

#### MISCELLANEOUS.

##### *Part XI of Merchant Shipping Act, 1854.*

22. It shall be the duty of the East India Company to take charge of and send home or otherwise provide for all persons, being Lascars or other natives of the territories under the government of the said company, who are found destitute in the United Kingdom; and if any such person is relieved and maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the post or otherwise, give notice thereof in writing to the secretary of the court of directors of the East India Company, specifying, so far as is practicable, the following particulars, viz.—

1. The name of the person so relieved or maintained;
  2. The presidency or district, or part of the territories of the East India Company, of which he professes to be a native;
  3. The name of the ship in which he was brought to the United Kingdom;
  4. The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived, when he was so brought to the United Kingdom, and the time of such arrival;
- and the said East India Company shall repay to the said overseers, guardians, or other persons, out of the revenues of the said company, all monies duly expended by them in relieving or maintaining such destitute person, after the time at which such notice aforesaid is sent or otherwise given.

23. It shall be lawful for any master or owner of a ship, or

his agent, to enter into agreements with Lascars or natives of the territories of the East India Company, binding them to proceed to any port or ports in the United Kingdom, either as seamen or as passengers, and there to enter into a further agreement to serve as seamen in any ship which may happen to be there, and to be bound to any port in the territories of the East India Company: provided, that every such original agreement shall be made in such form, and shall contain such provisions, and shall be executed in such manner, and under such conditions for securing the return of such Lascars or natives to their own country, and for other purposes, as the Governor-General of India in council, or the governors of the respective presidencies in which the original agreement is made, in council, may direct; and if any Lascar or other person who has bound himself by any such original agreement is, on arriving in the United Kingdom, required to enter into a further agreement to serve as a seaman in any ship bound to any port in the territories of the East India Company, and if it is certified by some officer appointed for that purpose by the East India Company that such further agreement is a proper agreement in all respects for such Lascar or other person to enter into, and is in accordance with the original agreement, and that the ship to which such further agreement relates is in all respects a proper ship for such Lascar or other person to serve in, and that there is not, in the opinion of such officer, any objection to the full performance of the said original agreement, such Lascar or other person shall be deemed to be engaged under such further agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship; and for every Lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as aforesaid such fee as the East India Company may appoint, not exceeding 10s.

24. Nothing herein contained shall be deemed to repeal or affect any provisions contained in the 25th, 26th, 27th, 28th, 29th, 30th, 31st, or 34th sections of the act of the 4 Geo. 4, c. 80, or in the 16th section of the act of the 17 & 18 Vict. c. 120.

#### CAP. XCII.

An Act for appropriating the Corps of the Prebend or Portion of Netherhall Ledbury, in the Diocese and County of Hereford, and for constituting the Living of Ledbury a Rectory with Cure of Souls, and for augmenting the Endowments thereof. [14th August, 1855.]

#### CAP. XCIII.

An Act to amend certain Acts relating to the Court of Judicature of Prince of Wales Island, Singapore, and Malacca, and to the Supreme Courts of Judicature in India. [14th August, 1855.]

#### CAP. XCIV.

An Act to impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom; to allow Malt, Sugar, and Molasses to be used Duty free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Spirits, Sugar, and Molasses respectively; and to amend the Laws relating to the Duties of Excise. [14th August, 1855.]

Whereas it is expedient to impose increased rates of duty of excise on spirits distilled in the United Kingdom, and to allow malt, sugar, and molasses to be used duty free in the distilling of spirits, in lieu of allowances and drawbacks of excise now payable on such spirits and sugar and molasses respectively: be it therefore enacted &c. as follows:—

Sect. 1. There shall be charged, collected, and paid, for the use of her Majesty, her heirs and successors, for and upon every gallon of spirits of the strength of hydrometer proof which, on or after the 1st October, 1855, shall be distilled within the United Kingdom, or be in the stock, custody, or possession of any distiller, or of any person in trust for him, or for his use, benefit, or account, or which, having been distilled within the United Kingdom, shall on or after the said day be in warehouse, and be taken out of warehouse for consumption within the United Kingdom, the respective rates and duties following—that is to say, in Great Britain 8s.; in Ireland 6s. 2d.; and so in proportion for any greater or less degree of strength, or any greater or less quantity, in lieu of all other duties of excise on such spirits chargeable under any act in force.

2. Duties to be under the management of the Commissioners of Inland Revenue, and to be collected under the provisions of acts in force relating to excise.

3. Allowances on spirits in distillers' stock or in warehouse.

4. Former allowances in respect of malt, and on sugar used in distilling, to cease.

5. Malt may be made and used free from duty in distilling spirits.

6. Special entry to be made of malt-house.

7. Persons other than distillers making duty-free malt to give security against frauds.

8. Malt may be removed for exportation.

9. Distillers on giving security to have duty-free sugar and molasses delivered to them, to be used in the distilling of spirits.

10. Distiller to give bond, with sureties, conditioned to secure the due consumption of duty-free sugar and molasses in the distilling of spirits.

11. Distiller and maltster to make entry of his malt-house, and to provide a kiln adapted for securing the malt whilst drying.

12. Distillers to make entry of kilns used for drying barley or other corn or grain.

13. If malt-house more than a mile from a market town, distiller or maltster to provide lodgings for the officer.

14. Secure rooms to be provided for the purposes herein expressed, viz. a store-room at the malt-house for the deposit of malt on removal from the kiln; a store-room at the distillery for malt on removal from the malt-house; also a mill-room at the distillery for grinding malt; all such rooms to be properly secured.

15. All fastenings (except locks) for the security of kilns and other rooms to be provided at the expense of the distiller. Penalty for refusing to defray such expense, or for removing or damaging locks or fastenings.

16. Commissioners may revoke approval of malt-house, kiln, or store-rooms, and require alterations or additional fastenings.

17. Allowance on cistern or couch gauges to be 17 per cent.

18. Distiller, &c. to give notice to officer to attend, when it is intended to load the kiln.

19. Officer to admit the workmen into the kiln to stir the grain from time to time, pursuant to notice.

20. Notice to be given for removal of malt from the kiln. Malt to be measured, and deficiency charged with duty.

21. Removal of malt from the store-room at the malt-house to the store-room at the distillery.

22. Malt to be removed from malt-house to distillery in sacks containing four bushels or 168lb. each.

23. Twelve hours' notice to be given for removal of malt from the store-room to the mill-room. Four hours' notice for removal of malt to the mash tun.

24. Distiller and maltster to enter in books particulars of malt received into and removed from their store-rooms.

25. Malt remaining in store-room to be measured, and a balance to be struck of account of malt received and delivered; if a deficiency, duty to be charged on the quantity; if an excess, the same to be forfeited.

26. Malt to be either measured or weighed, or both, as the commissioners may order.

27. Distiller and maltster to provide a correct bushel measure and scales and weights, and assist officer in measuring and weighing malt.

28. Distiller to deliver an account of the malt, sugar, and molasses used in every distilling period, verified by declaration.

29. Distillers and maltsters to designate their malt-houses by painting certain words on the principal entrance. Penalty on neglect.

30. Distillers prohibited from selling malt, sugar, or molasses. Penalty.

31. Commissioners may revoke the license of a distiller or maltster on a second conviction of certain specified offences.

32. Persons found unlawfully removing malt from a distiller's malt-house or a distillery may be arrested and taken before a justice, and summarily dealt with.

33. No abatement for deficiencies on spirits deposited in warehouse less than three days.

34. Rectifiers may send out compounded spirits at certain additional strengths.

35. Malting barley or other corn, how long to be kept in operation.



36. Brewer not to have raw or unmalted grain in his brewery, or in premises adjacent.  
 37. Malt used by brewers to be ground by metal rollers only.

## CAP. XCV.

An Act to enable the Commissioners of her Majesty's Works and Public Buildings to provide additional Offices for the Public Service in or near Downing-street, Westminster.  
 [14th August, 1855.]

## CAP. XCVI.

An Act to consolidate certain Acts, and otherwise amend the Laws of the Customs, and an Act to regulate the Office of the Receipt of her Majesty's Exchequer at Westminster.  
 [14th August, 1855.]

Sect. 1. Customs duties, &c. payable to Exchequer account of Bank of England to be received under such regulations as the Treasury shall prescribe.

2. Importation of tobacco in packages of less than eighty pounds prohibited.

3. Goods not reported may be detained till requisites complied with.

4. Time for perfecting entries by bills of sight may be extended.

5. Commissioners of Customs may permit special entries in particular cases.

6. Goods not worth the duty, &c. in the Queen's warehouse may be destroyed.

7. Combustibles not to be deposited in the Queen's warehouse.

8. Power to dispense with the re-weighing, &c. of goods on quinquennial re-warehousing, in certain cases.

9. Goods not to be shipped except on proper days and places, nor until entry and clearance. Searcher may open packages and examine goods.

10. Penalty on failing to deliver shipping bill.

11. Penalty on departing without being cleared.

12. As to exportation of British and Irish spirits to the Isle of Man, &c.

13. Foreign ships in the coasting trade to be subject to the same rules as British ships.

14. Foreign ships employed in the coasting trade not to be subject to higher rates than British ships.

15. Her Majesty may exercise such powers as conferred by sects. 324, 325, and 326 of the 16 & 17 Vict. c. 107.

16. Powers of Commissioners of Customs as to the colonies extended to governors, &c.

17. The Bay Islands to be placed on the same footing as the Bermudas.

18. Provision as to importation of tobacco, &c. into the Channel Islands.

19. As to importing and exporting spirits from and to the Channel Islands in ships of fifty tons and casks of twenty gallons. Not to extend to spirits in glass bottles, or to stores; nor to certain warehoused goods exported; nor to licensed boats of ten tons supplying the Island of Sark.

20. Prohibited goods not to be shipped from the Channel Islands to the United Kingdom.

21. Reward to officers for seizures in the Channel Islands.

22. The terms "governor," &c. in the Channel Islands to include jurats, who are to have the same power.

23. Goods the growth or manufacture of the Isle of Man may be imported into Great Britain or Ireland on certificate, &c.

24. Isle of Man to be part of the United Kingdom for Customs purposes.

25. Certain vessels belonging to her Majesty's subjects, or whereof half the persons on board are subjects of her Majesty, and foreign vessels, found within certain distances of the coast of the United Kingdom or Channel Islands with certain goods on board, forfeited, with the goods.

26. Any vessel or boat arriving within any port of the United Kingdom or of the Channel Islands having prohibited goods on board, or attached thereto, forfeited. Power to commissioners to waive forfeiture.

27. Forfeiture not to extend to ships and goods in certain cases.

28. Persons on board vessels within ports of the United Kingdom or the Channel Islands, with contraband articles, subject to penalty of 100*l.* and detention.

29. Notice of seizure of goods.

30. Where persons are taken before a justice for any offence under any act relating to the Customs, or likely to abscond, such justice may order them to be detained a reasonable time, or admit to bail.

31. Penalty and costs to be stated in convictions, &c.

32. Execution may issue after trial, out of term.

33. Defendant's option to remove case to superior court to be exercised before the hearing commences.

34. Count for harbouring &c. smuggled goods.

35. Evidence of condemnation of forfeiture.

36. Sect. 2 of stat. 14 & 15 Vict. c. 99, not to extend to revenue cases.

37. Defendants in Customs cases to have choice of attorney and counsel in Scotland.

38. Penalty on making false declarations, signing false documents, and untruly answering questions, and counterfeiting and using false documents.

39. Persons complaining of prohibition of books in copyright lists may appeal to a judge in chambers.

40. Declaration of truth of notice of copyright. Nothing to prevent persons aggrieved from proceeding at law, &c.

41. Soldiers, &c. not to be billeted on coast guard.

42. Declaratory explanation of term "malt."

43. Interpretation of terms.

44. Acts and parts of acts set forth in schedule repealed. Orders, &c. under acts repealed to be valid.

45. Sections of this act set forth in table incorporated in the Customs Consolidation Act, 1853.

46. Act to be registered in the Royal Courts of Guernsey and Jersey.

47. Commencement and short title of act.

## CAP. XCVII.

An Act for the Amendment and Consolidation of the Customs Tariff Acts.  
 [14th August, 1855.]

Sect. 1. Instead of all other duties and drawbacks of customs, there shall be paid and allowed the duties and drawbacks in Table A. Duties in Table B. to be levied on goods imported into the Isle of Man. As to free goods in Tables A. and B.

2. Power to the Treasury to remit and re-impose the duties levied on unenumerated articles imported into the Isle of Man. Orders to be published in the Gazette, and laid before Parliament.

3. Drawbacks on sugar.

4. Commissioners of Customs to provide standard samples of white clayed sugar and brown clayed sugar.

5. As to metage duties on fruit.

6. Entries of arms, &c. to contain the numbers and description of the articles.

7. Manufactures of Gibraltar, &c. from foreign materials deemed foreign.

8. Recital of acts hereby repealed. Orders, &c. under acts repealed to be valid.

9. When contracts have been entered into, amount of increased or decreased duty to be added or deducted.

10. Short title.

## CAP. XCVIII.

An Act to continue certain Turnpike Acts in Great Britain.  
 [14th August, 1855.]

Sect. 1. All Turnpike Acts which will expire on or before the end of next session continued to the 1st October, 1856, &c. with certain exceptions.

2. Acts in schedule to this act continued till the 1st November, 1856.

3. Short title.

4. Extent of act.

## CAP. XCIX.

An Act to enable her Majesty to carry into Effect a Convention made between her Majesty, his Majesty the Emperor of the French, and his Imperial Majesty the Sultan.  
 [14th August, 1855.]

## CAP. C.

An Act to amend the Law concerning the Qualification of Officers of the Militia. [14th August, 1855.]

- Sect. 1. Property qualifications for officers of certain ranks in the militia.
2. The income of personal estate in possession of the officer to be deemed equivalent to the yearly value of land.
3. Persons holding certain military ranks may be appointed to certain ranks in the militia without property qualifications.
4. Existing enactments to extend to qualifications under this act.
5. Exceptions for the militia of London and Edinburgh.
6. Extent of the act.

## CAP. CI.

An Act for the more effectual Execution of the Convention between her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France. [14th August, 1855.]

- Sect. 1. Oysters and dredges found on board fishing vessels from the 1st May to the 31st August may be seized.
2. Oysters landed between the 1st May and the 31st August may be seized.
3. Penalties on persons in charge of British vessels for offending.
4. British consuls may take depositions on oath concerning offences against the fishery regulations.
5. Depositions admissible in evidence.
6. Penalties and proceeds of sales, &c. to be paid into Exchequer.
7. As to the term "British consul."
8. Recited act and this act to be read together.

## CAP. CII.

An Act to confirm certain Provisional Orders made under an Act of the fifteenth Year of her present Majesty to facilitate Arrangements for the Relief of Turnpike Trusts. [14th August, 1855.]

## CAP. CIII.

An Act to amend an Act of the last Session of Parliament relating to the Sale of Spirits by unlicensed Persons and illicit Distillation in Ireland; and also to repeal so much of an Act of the third and fourth Years of his late Majesty as requires Persons applying for Licences for the Sale of Beer, Cider, or Spirits by Retail in Ireland to enter into a Bond with Sureties. [14th August, 1855.]

## CAP. CIV.

An Act for the Regulation of Chinese Passenger Ships. [14th August, 1855.]

## CAP. CV.

An Act to amend the Lunatic Asylums Act, 1853, and the Acts passed in the Ninth and Seventeenth Years of her Majesty for the Regulation of the Care and Treatment of Lunatics. [14th August, 1855.]

- Sect. 1. Any single county or borough may unite with the subscribers to a hospital, and any committee of visitors of an existing asylum may so unite.
2. The proportion of expenses between any county and borough may be fixed with reference to accommodation likely to be required.
3. Agreements for uniting to be hereafter entered into to stipulate for contribution by counties and boroughs according to their relative populations for the time being, where not fixed according to foregoing provision.
4. Where expenses are to be contributed in proportion to population, the same to be ascertained by last census for the time being.
5. Where there is a dissolution of a union, a new asylum to be provided.
6. Provisions to apply to councils of boroughs where they have taken upon themselves the execution of the Lunatic Asylums Act, 1853.
7. Places becoming boroughs after the commencement of the Lunatic Asylums Act, 1853, to be deemed boroughs annexed to the counties in which they are situate.

8. Powers given by sect. 77 of Lunatic Asylums Act, 1853, to visitors of an asylum to order removal of pauper lunatic, extended.

9. Powers of commissioners and visitors to continue applicable to a house which has been licensed after expiration of license, while any patients are therein.
10. Contracts under 42nd section of Lunatic Asylums Act, 1853, may be renewed.
11. Provision for burial of pauper lunatics.
12. Power to enter into agreements with cemetery company or burial board.
13. Committee of visitors may convey land for burial ground for lunatics, &c. dying in the asylum.
14. Pauper lunatics whose settlements cannot be ascertained, where found in a borough which does not contribute to the county expenditure, to be chargeable to such borough.
15. Seals of commissioners, visitors, and justices, to orders, &c., dispensed with.
16. So much of sect. 6 of the 16 & 17 Vict. c. 96, as requires personal examination of patients repealed.
17. Consent of committee of management of any hospital sufficient to authorise a patient being sent to any place for health.
18. Detention of lunatics after expiration of or revocation of license a misdemeanour.
19. Act to be read with the acts amended as one act.

## CAP. CVI.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom. [14th August, 1855.]

- Sect. 1. Meetings relating to the militia of the United Kingdom, and ballots for such militia, suspended.
2. Proceedings may be had during such suspension by Order in Council.
3. Not to extend to prevent the holding of certain meetings relating to the militia.

## CAP. CVII.

An Act to authorise the Commissioners of the Treasury to make Arrangements concerning a certain Loan advanced by way of Relief to the Island of Tobago. [14th August, 1855.]

## CAP. CVIII.

An Act to amend the Law for the Inspection of Coal Mines in Great Britain. [14th August, 1855.]

- Sect. 1. *The 13 & 14 Vict. c. 100, repealed.*
2. *Power to Secretary of State to appoint inspectors of mines.*
3. *No land agent or manager, &c. of coal mine to act as inspector.*
4. *General rules to be observed in all coal mines.*
5. *Special rules to be made for each colliery, with the approval of Secretary of State.*
6. *Publication of rules.*
7. *Powers and duties of inspectors.*
8. *Owners of coal mines to produce maps or plans of mines to inspector. If owners do not produce maps, &c., inspector may require them to be made.*
9. *Notice of accidents in mines to be given to Secretary of State.*
10. *Provision for giving notice to Secretary of State of holding inquests on deaths from accidents in coal mines.*
11. *Penalties for offences against this act.*
12. *Penalty for obstructing inspectors.*
13. *Penalty for defacing notice used for such publication.*
14. *Penalties, how recoverable.*
15. *Certified copy of special rules to be evidence.*
16. *Reports of inspectors, to be laid before Parliament.*
17. *Interpretation of terms.*
18. *Extent of act.*
19. *Term of this act.*

Whereas an act of the session of Parliament holden in the 13 & 14 Vict. c. 100, was passed "for inspection of coal mines in Great Britain;" and whereas, with a view to the safety of the persons employed in such mines, it is expedient that further provision be made for the inspection and regulation thereof: be it therefore enacted &c. as follows:—

Sec. 1. The said act of the 13 & 14 Vict. [c. 100], shall be repealed: provided always, that the inspectors of coal mines appointed under such act shall continue to be such inspectors under this act, subject nevertheless to removal by one of her Majesty's Principal Secretaries of State: provided also, that all penalties incurred under the said act before the repeal thereof may be proceeded for and applied as if this act had not been passed.

2. It shall be lawful for one of her Majesty's Principal Secretaries of State from time to time to appoint any fit person or persons to be an inspector or inspectors of coal mines, and from time to time to remove any such inspector or inspectors; and notice of the appointment of every such inspector shall be published in the London Gazette.

3. No person who shall act or practise as a land agent, or as a manager, viewer, or agent, or mining engineer, or valuer of mines, or arbitrator in any matters of dispute arising between owners of mines, or be otherwise employed in any coal mine or colliery, shall act as an inspector of coal mines under this act.

4. The following rules (hereinafter referred to as the general rules) shall be observed in every coal mine and colliery by the owner and agent thereof:—

- (1). An adequate amount of ventilation shall be constantly produced at all collieries to dilute and render harmless noxious gases, to such an extent as that the working places of the pits and levels of such collieries shall under ordinary circumstances be in a fit state for working:
- (2). Every shaft or pit which is out of use, or used only as an air pit, shall be securely fenced:
- (3). Every working and pumping pit or shaft shall be properly fenced when not at work:
- (4). Every working and pumping pit or shaft, where the natural strata under ordinary circumstances are not safe, shall be securely cased or lined:
- (5). Every working pit or shaft shall be provided with some proper means of signalling from the bottom of the shaft to the surface, and from the surface to the bottom of the shaft.
- (6). A proper indicator to shew the position of the load in the pit or shaft, and also an adequate break, shall be attached to every machine worked by steam or water power used for lowering or raising persons:
- (7). Every steam boiler shall be provided with a proper steam gauge, water gauge, and safety valve.

5. In addition to the general rules there shall be established and observed in every coal mine or colliery such other rules (hereinafter referred to as special rules) for the conduct and guidance of the persons acting in the management of such coal mine or colliery, and of all persons employed in or about the same, as under the particular state and circumstances of such coal mine or colliery may appear best calculated to prevent dangerous accidents; and such special rules for each coal mine or colliery shall be framed by the owner thereof, and forthwith transmitted to one of her Majesty's Principal Secretaries of State; and such rules, if not objected to by such Secretary of State within forty days from the day upon which they are received by him, shall be established; and in case such Secretary of State shall be of opinion that such rules, or any of them, do not sufficiently provide for the safety of the person or persons employed in or about such coal mine or colliery, it shall be lawful for such Secretary of State, within the forty days aforesaid, to propose any alterations in or additions to such special rules; and in case such owner shall not, within twenty days from the day on which such alterations or additions are proposed to him, object to the same, the special rules shall be established with such alterations and additions; and in case such owner shall, within the said twenty days, object to such alterations or additions, or any of them, it shall be lawful for such owner, within seven days after he shall have so objected, to nominate three or more practical mining engineers or other competent persons of experience in the district within which such coal mine or colliery is situate, and who shall not be interested in or employed in the management of such coal mine or colliery, of whom such Secretary of State may appoint one or more, to determine the matter in difference, and to decide what special rules shall be established in such coal mine or colliery; and if such owner shall not within such seven days nominate such mining engineers as aforesaid, or if such Secretary of State shall not within

one month from the time of such nomination appoint one or more of the persons so nominated by the owner as aforesaid, then and in such case two such mining engineers or other competent persons as aforesaid shall be appointed, one of whom shall be named by the owner of such coal mine or colliery, and one by the Secretary of State; and the said persons so appointed shall, before they proceed to determine the matters in difference, and to decide what special rules shall be established in such coal mine or colliery, appoint a third person, being such mining engineer or such other competent person as aforesaid, to be their umpire in case of difference of opinion between them; and the determination of such persons and the said umpire, or of any two of them, shall be final, and the special rules shall be established accordingly: provided, that after such rules are established it shall be lawful for the owner of any coal mine or colliery (or for the Secretary of State) to propose from time to time any amendments of such rules, which amendments, if not objected to by the Secretary of State within the time aforesaid, or owners, as the case may be, shall be established; and in case of objection being made to any of them, and of a difference arising out of such objection, the same proceedings shall be had respecting them as hereinbefore provided in reference to the special rules when originally submitted to such Secretary of State, and objected to: provided also, that the amount of payment to be made to all such persons, and to such umpire so nominated or appointed as aforesaid, for their services, shall be fixed by such Secretary of State, and paid in equal moieties by such owner and the Commissioners of her Majesty's Treasury, who are hereby authorised to make such payment accordingly.

6. For the purpose of making known the general rules and special rules to all persons employed in or about each coal mine or colliery, the owner thereof shall cause the general rules and the special rules for such coal mine or colliery to be painted on a board or printed upon paper to be pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal office or place of business of the coal mine or colliery; and the general rules and special rules so painted or printed and hung up shall be renewed and restored with all reasonable dispatch as often as the same, or any part thereof, may be defaced, obliterated, or destroyed; and a printed copy of such general and special rules shall be supplied to all persons employed in and about the same.

7. It shall be lawful for any inspector to enter, inspect, and examine any coal mine or colliery, and the works and machinery belonging thereto, at all reasonable times and seasons, by day or night, but so as not to impede or obstruct the working of the said coal mine or colliery, and to make inquiry into and touching the state and condition of such coal mine or colliery, works, and machinery, and the ventilation of such mine or colliery, and the mode of lighting or using lights in the same, and into all matters and things connected with or relating to the safety of the persons employed in or about the same, and especially to make inquiry whether the provisions of this act are complied with in relation to such coal mine or colliery; and the owner or agent of such coal mine or colliery is hereby required to furnish the means necessary for such entry, inspection, examination, and inquiry; and if such inspector find any of the general rules or any of the special rules established for such coal mine or colliery to be neglected or wilfully violated, such inspector shall forthwith give notice in writing thereof to the owner or agent of such coal mine or colliery; and if such inspector find any part of such coal mine or colliery, works or machinery, or any aircourses, airdoors, waterways, drains, pits, levels, shafts, or other matter or thing in or connected with such coal mine or colliery, or the mode of lighting or using lights in the same, to be otherwise dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person employed in or about such coal mine or colliery, such inspector shall thereupon, by notice in writing, summon before him at the colliery office the manager or principal colliery viewer or agent having charge of the said coal mine or colliery, in order to his being heard upon the matter giving rise to such finding as aforesaid; and if such manager or principal colliery viewer or agent do not attend after reasonable notice, or having attended fail to satisfy such inspector, then such inspector shall serve notice in writing of the particular grounds on which he is of opinion that the said coal mine or colliery, or any part thereof, or any other of the particulars above mentioned, is dangerous or defective, on the owner or agent thereof, and shall also report the same to one

of her Majesty's Principal Secretaries of State; and in case of any difference arising thereupon the same shall be determined in the manner hereinbefore provided with respect to proposed alterations or additions to the special rules, and a copy of such notice, in case of no such difference as aforesaid, or of the determination in case of such difference, arising, shall, if the said danger or defect be not forthwith removed or remedied, and if the Secretary of State shall so direct, be hung up or affixed on some conspicuous part of the principal office or place of business of the coal mine or colliery, and a copy supplied to every workman to whom such notice or determination shall apply, such copy so to be hung up or affixed as aforesaid to be removed on the certificate of the inspector of the district, or of the persons by whom such determination shall have been made, that such danger or defect has been removed or remedied: provided always, that so long as any copy of such notice or determination, purporting that the coal mine or colliery, or any part thereof, or any other of the particulars above mentioned, is dangerous or defective, shall remain so hung up or affixed, and the danger or defect notified therein shall not be removed or remedied, it shall be lawful for any person employed in or about such coal mine or colliery to discontinue his service in any part of such coal mine or colliery to which part the said notice or determination shall apply, without being therefore liable to be proceeded against under the act passed in the 4 Geo. 4, c. 34, as for absence from his service, or misconduct in the execution thereof: provided also, that unless the owner or agent on whom the notice is served as aforesaid shall within seven days of such service signify to the said inspector his objections to the same, and at the same time nominate three competent persons, as hereinbefore provided in the 5th section, with a view to the determination of such objection, such notice shall be considered good and valid, and shall be hung up or affixed as hereinbefore provided.

8. The owner or agent of every coal mine or colliery shall, on the occasion and for the purpose of the inspection and examination thereof, produce and submit for examination to any such inspector as aforesaid a map or plan of the workings of such coal mine or colliery, upon which map or plan shall be delineated the several parts, aircourses, air-draws, waterways, drains, pits, levels, and shafts in and connected with such coal mine or colliery; and if such owner or agent do not produce and submit for examination as aforesaid such a map or plan as aforesaid, or if any such inspector as aforesaid find that any portion of any map or plan is withheld, or any part of the workings of any such mine or colliery is concealed from his inspection, or if he find, on examining and verifying any map or plan, that the same is imperfect or inaccurate, he is hereby empowered to require that an accurate map or plan of the actual workings of such coal mine or colliery, and the works thereto belonging, clearly delineating such matters and things as aforesaid, be made within a reasonable time, by and at the expense of the owner of such mine, on a scale of not less than two chains to one inch, or on such other scale as the plan then used in the colliery is constructed on; and every such map or plan as aforesaid shall shew the workings of the mine up to within six months of the time of inspection; and the owner or agent of the coal mine or colliery shall, if required so to do by any such inspector as aforesaid, mark or cause to be marked on such map or plan the progress of the workings of the coal mine or colliery up to the time of his inspection thereof: provided, that nothing herein contained shall be construed to authorise any inspector to make a copy of the whole or any part of a map or plan which shall be produced or made.

9. If and when loss of life to any person employed in or about any coal mine or colliery occurs by reason of any accident within such coal mine or colliery, or any pits or shafts thereof, or any works or machinery connected with such pits or shafts, or if any serious personal injury arises from explosion therein, the owner or agent of such mine or colliery shall, within twenty-four hours next after such loss of life, send notice of such accident, under the hand of such owner or agent, to one of her Majesty's Principal Secretaries of State, and in Scotland to the Lord Advocate, and in all cases to the inspector of the district within which such loss of life shall occur, and shall specify in such notice the probable cause of such accident, and such notice may be sent through the post-office, by letter addressed to such Secretary of State or Lord Advocate, and to the inspector of the district at his usual place of residence; and every owner or agent who neglects to send

or cause to be sent such notice as aforesaid within the time aforesaid shall for such offence be liable to a penalty of not less than 10*l.* and not exceeding 20*l.*

10. Every coroner holding an inquest upon the body of any person whose death may have been caused by any such accident as aforesaid shall (unless some person be present on behalf of one of her Majesty's Principal Secretaries of State to watch the proceedings at such inquest, or notice of such accident shall have been sent, four clear days at the least previously thereto, through the post-office, by letter addressed to one of such Secretaries of State, and the sending of the same be proved to the satisfaction of the coroner) adjourn such inquest, and by letter sent two days at the least before holding such adjourned inquest, through the post-office, addressed to one of such Secretaries of State, give notice to such Secretary of State of the time and place of holding the same: provided always, that it shall be lawful for such coroner, before the adjournment of any such inquest, to take evidence to identify the body, and to order the interment thereof.

11. If after the 31st December, 1855, any coal mine or colliery be worked, and, through the default of the owner thereof, special rules have not been established for the same, according to the provisions of this act, or the general rules or the special rules for such coal mine or colliery, by this act required to be established, have not been hung up or affixed, or have not, after obliteration or destruction, been renewed or restored, as required by this act, or any of such general rules or special rules which ought to be observed by the owner and principal agent or viewer of such coal mine or colliery be neglected or wilfully violated by any such owner, agent, or viewer, such person shall be liable to a penalty of not exceeding 5*l.*, and also, in case the default or neglect be not remedied with all reasonable dispatch, after notice in writing thereof given by an inspector to the owner or agent of such coal mine or colliery, to a further penalty of not exceeding 1*l.* for every day during which the offence continues after such notice; and every person other than aforesaid employed in or about a coal mine or colliery, who neglects or wilfully violates any of the special rules established for such coal mine or colliery, shall for every such offence be liable to a penalty not exceeding 2*l.*, or to be imprisoned, with or without hard labour, in the common gaol or house of correction, for any period not exceeding three calendar months, or to be proceeded against and punished according to the provisions of the act 4 Geo. 4, c. 34, intitled "An Act to enlarge the Power of Justices in determining Complaints between Masters and Servants."

12. Every owner or principal agent of any coal mine or colliery who refuses or neglects to produce, as hereinbefore required, a map or plan of the workings of a colliery to any inspector, or to furnish to the said inspector the means necessary for making any entry, inspection, examination, or inquiry under this act, and every person who wilfully obstructs any inspector in the execution of this act, shall for every such offence be liable to a penalty of not less than 5*l.* and not exceeding 10*l.*

13. Every person who pulls down, injures, or defaces any notice hung up or affixed, as required by this act, shall for every such offence be liable to a penalty of not exceeding 40*s.*

14. All penalties imposed by this act may be recovered in a summary manner before two justices of the peace, or in Scotland before the sheriff having jurisdiction in the county or place where the offence is committed, within three months of the commission of the same, in the manner prescribed by the law in that behalf; and it shall be lawful for the Commissioners of her Majesty's Treasury, upon the recommendation of one of her Majesty's Principal Secretaries of State, to direct that any penalty imposed for neglecting to send or cause to be sent notice of any accident, as required by this act, shall be paid to or among any of the family or relatives of any person or persons killed by such accident, as he may think fit; and, save as aforesaid, all penalties imposed by this act shall, when recovered, be paid, for the use of her Majesty, to the sheriff or other proper officer of the county, riding, division, or place for which the justices or other competent authority before whom the penalty is recovered shall have acted.

15. A copy of the special rules for the time being established in any coal mine or colliery, certified under the hands of one of the inspectors to be a copy of the special rules established in such coal mine or colliery, shall be evidence of such special rules, and of their being duly established under this act, without further proof.

16. Every inspector shall, on or before the 1st March in every year, make a separate and distinct report in writing of his proceedings during the preceding year, and shall transmit the same to one of her Majesty's Principal Secretaries of State, and a copy of such report shall be laid before both Houses of Parliament.

17. In the construction of this act, the term "owner" of a coal mine or colliery shall mean the immediate proprietor, lessee, or occupier of a coal mine or colliery, or of any part thereof; and the term "agent" of a mine shall mean any person having, on behalf of the owner of any mine, the care or direction thereof; and the term "inspector" or "inspectors" shall respectively mean an inspector or inspectors of coal mines appointed under the 13 & 14 Vict. or this act; and the term "district" shall mean that portion of Great Britain which shall be assigned to any one of such inspectors.

18. This act shall not extend to Ireland.

19. This act shall continue until the expiration of five years after the passing of this act, and thenceforth until the end of the then next session of Parliament.

#### CAP. CIX.

An Act to make farther Provisions for the Repayment of Advances out of the Consolidated Fund for the Erection and Enlargement of Asylums for the Lame and Poor in Ireland, and to amend the Laws with reference to the Repayments in case of Change of Districts, and the Appointment of Commissioners of General Control and Correspondence.

[14th August, 1855.]

#### CAP. CX.

An Act to authorize the Application of certain Sums granted by Parliament for Drainage and other Works of public Utility in Ireland towards the Completion of certain Navigations undertaken in connexion with Drainage, and to amend the Acts for promoting the Drainage of Lands, and Improvements in connexion therewith, in Ireland.

[14th August, 1855.]

#### CAP. CXI.

An Act to amend the Law relating to Bills of Lading.

[14th August, 1855.]

Sect. 1. *Rights under bills of lading to vest in consignee or indorsee.*

2. *Not to affect right of stoppage in transitu, or claims for freight.*

3. *Bill of lading in hands of consignee, &c. conclusive evidence of the shipment as against master, &c. Provide.*

Whereas by the custom of merchants a bill of lading of goods being transferable by indorsement, the property in the goods may thereby pass to the indorsee, but nevertheless all rights in respect of the contract contained in the bill of lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property: and whereas it frequently happens that the goods in respect of which bills of lading purport to be signed have not been laden on board, and it is proper that such bills of lading in the hands of a bona fide holder for value should not be questioned by the Master or other person signing the same, on the ground of the goods not having been laden as aforesaid: be it therefore enacted &c. as follows:—

Sect. 1. Every consignee of goods named in a bill of lading, and every indorsee of a bill of lading to whom the property in the goods therein mentioned shall pass upon or by reason of such consignment or indorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself.

2. Nothing herein contained shall prejudice or affect any right of stoppage in transitu, or any right to claim freight against the original shipper or owner, or any liability of the consignee or indorsee by reason or in consequence of his being such consignee or indorsee, or of his receipt of the goods by reason or in consequence of such consignment or indorsement.

3. Every bill of lading in the hands of a consignee or indorsee for valuable consideration, representing goods to have been shipped on board a vessel, shall be conclusive evidence of such shipment as against the master or other person signing

the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading shall have had actual notice at the time of receiving the same that the goods had not been in fact laden on board: provided, that the master or other person so signing may exonerate himself in respect of such misrepresentation by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder, or some person under whom the holder claims.

#### CAP. CXII.

An Act to continue an Act of the Eleventh Year of her present Majesty, for the Prevention of Crime and Outrage in certain Parts of Ireland.

[14th August, 1855.]

#### CAP. CXIII.

An Act to extend the Provisions of an Act of the Fourteenth and Fifteenth Years of her present Majesty, for rebuilding the Bridge over the River Ness at Inverness.

[14th August, 1855.]

#### CAP. CXIV.

An Act for the Transfer of Licences of Public-houses in Ireland.

[14th August, 1855.]

#### CAP. CXV.

An Act to continue and amend the Public Health Act, 1854.

[14th August, 1855.]

Sect. 1. *General board to be continued for one year, &c.*

2. *Power to general board to appoint, with consent of Treasury, medical council and medical officer.*

3. *Treasury to fix salaries.*

4. *Salaries, &c., how to be paid.*

5. *Short title.*

Whereas by the act of the session holden in the 17 & 18 Vict. c. 95, "to make better Provision for the Administration of the Laws relating to the Public Health," a board was constituted, to be called "The General Board of Health," and it was thereby provided that the said board should be continued for one year next after the day of the passing of that act, and thenceforth until the end of the then next session of Parliament, and by the said act the said board were authorized to appoint a secretary and assistant secretary, and such clerks and officers of the board, and also so many superintending inspectors under such board, as the Commissioners of her Majesty's Treasury might think fit, every person so appointed to be removable at the pleasure of the said board: and whereas it is expedient that the said board should be continued, and should have power to appoint a medical council and a medical officer: be it enacted &c. as follows:—

Sect. 1. On the passing of this act, so much of the said act as limits the duration of the board of health shall be repealed, and the said board shall be continued for one year next after the day of the passing of this act, and thenceforth until the end of the then next session of Parliament, and no longer.

2. The said board may appoint a medical council, consisting of such number of persons as the said board, with the consent of the Commissioners of her Majesty's Treasury, may deem expedient, and may appoint a medical officer, and may assign to such council and medical officer such duties as the board may think fit; they may remove any member of such council, or such officer, and appoint another person in his stead; and they may diminish, or, with the consent of the Commissioners of her Majesty's Treasury, increase, the number of such council.

3. There shall be paid to the members of the said medical council and to the said medical officer such fees or salaries as may from time to time be appointed by the Commissioners of her Majesty's Treasury; and in the case of such medical officer there may be allowed, in addition to his salary, such reasonable travelling and other expenses as may be incurred by him in the performance of the duties of his office.

4. All fees and salaries payable under this act, and all incidental expenses of the said general board, shall be paid out of such monies as shall be provided by Parliament.

5. This act may be cited for all purposes as "The General Board of Health Continuance Act, 1855."

CAP. CXVI.

An Act for the better Prevention of Diseases.

[14th August, 1855.]

Sect. 1. *Short title.*

2. *Local authority for execution of act.*

3. *Expenses of act.*

4. *Power of entry.*

5. *Power to Privy Council to issue orders that provisions herein contained for prevention of diseases may be put in force.*

6. *Power to General Board of Health to issue regulations to carry out such provisions. Local extent and duration of regulations of general board.*

7. *Publication of such regulations.*

8. *The local authority to see to the execution of such regulations, &c.;*

9. *And may direct prosecutions for violating the same.*

10. *Orders of Council, directions, and regulations to be laid before Parliament.*

11. *Order in Council may extend to parts and arms of the sea.*

12. *Medical officer of unions and others entitled to costs of attending sick on board vessels, when required by orders of General Board of Health.*

13. *Authentication of directions and regulations of General Board of Health.*

14. *Penalty for obstructing execution of the act.*

15. *Certain provisions of the Nuisances Removal Act to apply to this act.*

Whereas the provisions of the Nuisances Removal and Diseases Prevention Act, 1848, amended by the Nuisances Removal and Diseases Prevention Amendment Act, 1849, in so far as the same relate to the prevention or mitigation of epidemic, endemic, or contagious diseases, are defective, and it is expedient to substitute other provisions more effectual in that behalf: be it therefore enacted &c. as follows:—

Sect. 1. This act may be cited for all purposes as "The Diseases Prevention Act, 1855."

2. The local authority for executing this act shall be the local authority acting in execution of any general act in force for the time being for the removal of nuisances.

3. The expenses incurred in execution of this act shall be borne out of the rates or funds administered by such local authority, under the provisions and for the purposes of any such general act as is referred to in the preceding section.

4. The local authority and their officers shall have power of entry for the purposes of this act, and for executing or superintending the execution of the regulations and directions of the general board issued under this act.

5. Whenever any part of England appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious disease, the Lords and others of her Majesty's most Honourable Privy Council, or any three or more of them, (the Lord President of the Council or one of her Majesty's Principal Secretaries of State being one), may, by order or orders to be by them from time to time made, direct that the provisions herein contained for the prevention of diseases be put in force in England, or in such parts thereof as in such order or orders respectively may be expressed, and may from time to time, as to all or any of the parts to which any such order or orders extend, and in like manner, revoke or renew any such order; and, subject to revocation and renewal as aforesaid, every such order shall be in force for six calendar months, or for such shorter period as in such order shall be expressed; and every such order of her Majesty's Privy Council, or of any members thereof, as aforesaid, shall be certified under the hand of the Clerk in Ordinary of her Majesty's Privy Council, and shall be published in the London Gazette; and such publication shall be conclusive evidence of such order to all intents and purposes.

6. From time to time after the issuing of any such order as aforesaid, and whilst the same continues in force, the General Board of Health may issue directions and regulations, as the said board think fit—

For the speedy interment of the dead:

For house to house visitation:

For the dispensing of medicines, guarding against the spread of disease, and affording to persons afflicted by or threatened with such epidemic, endemic, or contagious diseases

such medical aid and such accommodation as may be required:

And from time to time, in like manner, may revoke, renew, and alter any such directions and regulations as to the said board appears expedient, to extend to all parts in which the provisions of this act for the prevention of disease shall for the time being be put in force under such orders as aforesaid, unless such directions and regulations be expressly confined to some of such parts, and then to such parts as therein are specified; and (subject to the power of revocation and alteration herein contained) such directions and regulations shall continue in force so long as the said provisions of this act shall, under such order, be applicable to the same parts.

7. Every such direction and regulation as aforesaid, when issued, shall be published in the London Gazette, and the Gazette in which such direction or regulation was published shall be conclusive evidence of the direction or regulation so published to all intents and purposes.

8. The local authority shall superintend and see to the execution of such directions and regulations, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things, as may be necessary for mitigating such disease, or for superintending or aiding in the execution of such directions and regulations, or for executing the same, as the case may require.

9. The local authority may from time to time direct any prosecutions or legal proceedings for or in respect of the wilful violation or neglect of any such direction or regulation.

10. Every order of her Majesty's Privy Council, and every direction and regulation of the General Board of Health, under this act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not, then within fourteen days next after the commencement of the then next session of Parliament.

11. Orders in Council issued in pursuance of this act, for putting in force the provisions for the prevention of disease in the said Nuisances Removal and Diseases Prevention Acts contained, in Great Britain, may extend to parts and arms of the sea lying within the jurisdiction of the Admiralty; and the Board of Health for England may issue under this act directions and regulations for cleansing, purifying, ventilating, and disinfecting, and providing medical aid and accommodation, and preventing disease in ships and vessels, as well upon arms and parts of the sea aforesaid as upon inland waters.

12. Whenever, in compliance with any regulation of the General Board of Health which they may be empowered to make under this act, any medical officer appointed under and by virtue of the laws for the time being for the relief of the poor shall perform any medical service on board of any vessel, such medical officer shall be entitled to charge extra for any such service, at the general rate of his allowance for his services for the union or place for which he is appointed, and such charges shall be payable by the captain of the vessel, on behalf of the owners, together with any reasonable expenses for the treatment of the sick; and if such services shall be rendered by any medical practitioner who is not a union or parish officer, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid; and in case of dispute in respect of such charges, such dispute may, where the charges do not exceed 20*l.*, be determined summarily, at the place where the dispute arises, as in the case of seamen's wages not exceeding 50*l.*, according to the provisions of the law in that behalf for the time being in force; and any justice before whom complaint is made shall determine summarily as to the amount which is reasonable, according to the accustomed rate of charge within the place for attendance on patients of the like class or condition as those in respect of whom the charge is made.

13. The directions and regulations of the General Board of Health under this enactment shall be under the seal of the said board, and the hand of the president, or two or more members thereof; and any copy of such regulations purporting to bear such seal and signature, whether the said signature and seal be respectively impressed and written, or printed only, shall be evidence in all proceedings in which such regulations may come in question.

14. Whoever wilfully obstructs any person acting under the authority or employed in the execution of this act, and whose-

ever wilfully violates any direction or regulation issued by the General Board of Health as aforesaid, shall be liable for every such offence to a penalty not exceeding 5*l.*, to be appropriated in or towards the defraying the expenses of executing this act.

15. The provisions of any general act in force for the removal of nuisances, with regard to the service of notices, the proof of orders or resolutions of the local authority, and the recovery of penalties, shall extend and apply to this act.

#### CAP. CXVII.

An Act for transferring to one of her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance. [14th August, 1855.]

Sect. 1. Powers, &c. vested in the principal officers of the Ordnance to be transferred to her Majesty's Secretary of State for the War Department.

2. All lands, &c. vested in such officers vested in the said Secretary of State.

3. Contracts, &c. made by the principal officers relating to the public service to be enforced by such Secretary of State.

4. Powers given by the 10th and 18th sections of the 5 & 6 Vict. c. 94, to bodies corporate, &c. to sell, to be exercised by such Secretary of State.

5. Such Secretary of State to be described in conveyances, &c. as "Her Majesty's Principal Secretary of State for the War Department."

#### CAP. CXVIII.

An Act to repeal the Act of the Seventeenth and Eighteenth Years of the Reign of her present Majesty for farther regulating the Sale of Beer and other Liquors on the Lord's Day, and to substitute other Provisions in lieu thereof. [14th August, 1855.]

Sect. 1. *The 17 & 18 Vict. c. 79, repealed.*

2. *Licensed victuallers prohibited from opening houses for sale of beer, &c. during certain hours on Sundays, &c.*

3. *Houses of public resort prohibited being opened for sale of liquors during certain hours on Sundays, &c.*

4. *Power to constables to enter houses.*

5. *Penalty for offences against this act.*

Whereas the act now in force for further regulating the sale of fermented and distilled liquors on the Lord's Day has been found to be attended with inconvenience to the public: be it therefore enacted &c. as follows:—

Sect. 1. That the act of Parliament passed in the 17 & 18 Vict. [c. 79], intitled "An Act for further regulating the Sale of Beer and other Liquors on the Lord's Day," be and the same is hereby repealed.

2. It shall not be lawful for any licensed victualler, or person licensed to sell beer by retail, to be drunk on the premises, or not to be drunk on the premises, or any person licensed or authorised to sell any fermented or distilled liquors, or any person who by reason of the freedom of the mystery or craft of vintners of the city of London, or of any right or privilege, shall claim to be entitled to sell wine by retail, to be drunk or consumed on the premises, in any part of England or Wales, to open or keep open his house for the sale of beer, wine, spirits, or any other fermented or distilled liquor, between the hours of three and five o'clock in the afternoon, nor after eleven o'clock in the afternoon, on Sunday, or on Christmas-day, or Good Friday, or any day appointed for a public fast or thanksgiving, or before four o'clock in the morning of the day following such Sunday, Christmas-day, Good Friday, or such days of public fast or thanksgiving, except to a traveller or to a lodger therein.

3. No person shall open any house or place of public resort for the sale of fermented or distilled liquors, or sell therein such liquors, in any part of England or Wales, between three and five o'clock in the afternoon, or after eleven o'clock in the afternoon, on Sunday, or on Christmas-day, or Good Friday, or any day appointed for a public fast or thanksgiving, or before four o'clock in the morning of the day following such Sunday, Christmas-day, Good Friday, or such other days appointed as aforesaid, except to travellers.

4. It shall be lawful for any constable at any time to enter into any house or place of public resort in England or Wales

for the sale of beer, wine, spirits, or other fermented or distilled liquor or liquors; and every person who shall refuse to admit or shall not admit such constable into such house or place shall be deemed guilty of an offence against this act.

5. Every person who shall offend against this act shall be liable, upon a summary conviction for the same before any justice of the peace for the county, riding, division, liberty, city, borough, or place where the offence shall be committed, to a penalty not exceeding 5*l.* for every such offence, and every separate sale shall be deemed a separate offence.

#### CAP. CXIX.

An Act to amend the Law relating to the Carriage of Passengers by Sea. [14th August, 1855.]

Sect. 1. Commencement of this act, and repeal of the former act, except as to existing liabilities, and except as to an Order in Council dated the 16th October, 1852.

2. Short title of this act; and in legal proceedings reference to sections of this act by number to be sufficient.

3. Definition of terms used in this act.

4. To what vessels and voyages this act extends.

5. Penalty on fraudulently using certificates or using fraudulent certificates.

6. Commissioners of Emigration to carry this act into execution.

7. Emigration Commissioners may sue and be sued in the name of their secretary, &c. Commissioners, &c. exempt from liability.

8. Emigration officers and assistants to act under the commissioners, &c., but existing appointments to continue until revoked.

9. Duties of emigration officer may be performed by his assistant or by officer of customs.

10. Facilities to be given to the proper officers for the inspection of all ships fitting for passengers. Penalty on master failing to comply &c.

11. No passenger ship to clear without certificate from emigration officer, nor until bond be given to the Crown.

12. Forfeiture of ship if master proceeds to sea without certificate of clearance, &c. Such ship to be dealt with as if seized under laws relating to customs.

13. Where passengers may be carried.

14. Rule for determining the number of passengers to be carried. Tonnage check. Space check. Penalty.

15. Nothing to extend to repeal the 16 & 17 Vict. c. 84.

16. Passengers' lists to be delivered in duplicate by the master before clearance.

17. Lists of passengers embarked after clearance to be delivered by master. Penalty on non-compliance.

18. Penalty on persons found on board ships without consent of owners, &c.

19. All passenger ships to be surveyed before clearing out. Penalty on non-compliance. Power to owners to appeal against surveyors' report of ships not being seaworthy.

20. As to the construction of beams and decks.

21. Arrangement and size of berths.

22. Single men to be berthed in a separate compartment. As to numbers and sexes in one berth. Penalty.

23. Berths not to be removed till passengers landed.

24. Space to be allotted as an hospital. Penalty.

25. Regulation as to construction of privies.

26. As to light and ventilation. Penalty on non-compliance.

27. Regulations as to the carrying of boats; of life-boats; and of life buoys, anchors, and fire engines, &c.

28. Regulations as to carrying an efficient crew.

29. Certain articles prohibited as cargo and ballast. Stowage of cargo, stores, and luggage to be approved by emigration officer.

30. Computation of voyages.

31. Before clearance, provisions and water to be surveyed. Provisions for the crew not to be inferior to those for the passengers. Penalty.

32. Power to emigration officer to reject and mark bad provisions, and direct the same to be landed, and if reshipped parties liable to a penalty.

33. Water tanks or casks to be approved by emigration officer.

34. Provision for touching at intermediate ports to fill up water.



35. Dietary scales of provisions. Penalty on non-compliance.

36. Size of messes. Provisions to be issued daily, and articles which require cooking to be cooked.

37. Power to Emigration Commissioners to authorise an alternative dietary scale. Power to commissioners to alter dietary scale.

38. As to passengers' stewards. Penalty on non-compliance.

39. As to passenger cooks and cooking apparatus. Penalty on non-compliance.

40. In what cases interpreters to be carried. Penalty.

41. In what cases a medical man must be carried. Penalty.

42. Qualification of medical man. Penalty.

43. Medicines and medical comforts. Penalty.

44. Medical inspection of passengers and medicines, &c. Penalty.

45. Relanding of passengers on account of sickness or for purifying ships. Penalty.

46. As to return of passage money to passengers relanded on account of sickness, &c.

47. Subsistence money to be paid to passengers relanded.

48. Return of passage money and compensation to passengers where passages not provided for them according to contract.

49. Subsistence in case of detention.

50. Ships putting back to replenish provisions, &c. Penalty on master for default. Ships putting back to be reported to emigration officer. Penalty on master for neglect.

51. In case of wreck or damage passengers to be provided with a passage by some other vessel, and maintained in the meantime. In default, passage money to be returned. Power to remove passengers from ship; penalty on passengers refusing.

52. Secretary of State, &c. may pay expenses of taking off passengers at sea.

53. Governors or consuls may send on passengers if the master of the ship fail to do so.

54. Expenses incurred under the two preceding sections to be a Crown debt. Passengers forwarded by governor, &c. not entitled to return of passage money.

55. Assurance of passage money not to be void on account of the nature of the risk.

56. Penalty on wrongfully landing passengers.

57. Passengers to be maintained for forty-eight hours after arrival. Penalty.

58. Passengers' right of action preserved.

59. Her Majesty may, by Orders in Council, prescribe rules for purposes herein described. Gazette and copies printed by Queen's printer to be evidence of orders, &c.

60. Surgeon or master to exact obedience to rules and regulations. Penalty on refusal.

61. Emigration Commissioners to prepare an abstract of act and orders in Council; such abstract to be posted up in each ship. Penalty on master for neglect, and on person defacing abstract.

62. Sale of spirits prohibited on board passenger ships. Penalty.

63. Bond to be given by masters of British and foreign passenger ships.

64. Counterpart of bond to be certified, and sent to the colony to which the ship is bound, and to be received in evidence without further proof of execution.

65. In the absence of agreement to the contrary, the owner to be responsible in respect of default.

66. No person to act as a passage broker without a license. Emigration Commissioners and agents of passage brokers exempted from this section. Passage brokers to be responsible for their agents.

67. How passage brokers' licenses may be obtained. Justices to give notice to Emigration Commissioners of license granted. Notice to be given to Emigration Commissioners of intended application for licenses. Power to justices to order licenses to be forfeited, who shall give notice of the same to Emigration Commissioners. As to application for licenses in Scotland.

68. Existing licenses to continue in force until the 1st February, 1856.

69. Passage brokers to employ no agents except those expressly appointed by them. Agents to produce their appointments on demand.

70. Penalty on persons fraudulently inducing others to engage passengers.

71. Contract tickets for cabin and other passengers.

72. Penalty for inducing any one to part with contract ticket.

73. Summary remedy for breach of contract.

74. Penalty on cabin passengers and on masters, &c. omitting to produce contract tickets.

75. Penalty on persons acting as runners without license and badge, and on passage brokers employing them.

76. Mode of licensing and registering runners.

77. Emigrant runner's license to be renewed annually.

78. Penalty on runner for certain acts of misconduct. Penalty on persons using badges not lawfully issued to them.

79. How fresh badges may be obtained in case the old ones are lost or mutilated.

80. Runners not entitled to commission from any passage broker unless acting with his authority, nor from emigrants for procuring their passage.

81. List of runners to be exhibited by brokers, and sent to emigration officers.

82. Trustees of docks may pass bye-laws for regulating the landing and embarkation of intending emigrants, and for licensing emigrant porters. Bye-laws to be approved by Secretary of State, and published in the London Gazette.

83. Penalty for falsifying documents to obtain passages from Emigration Commissioners, and for personation.

84. By whom penalties are to be recovered. By whom passage, subsistence, and compensation monies may be recovered.

85. Tribunal for adjudicating on offences and complaints under this act. Proviso where no forms of proceeding are prescribed by this act.

86. Police and stipendiary magistrate, and in Scotland sheriff, &c., to have the same powers as justices of the peace.

87. No objection to be allowed, nor convictions to be quashed for want of form.

88. Application of penalties. Justices may award compensation out of penalties to party aggrieved.

89. Burthen of proof to be on persons claiming exemption from act. Proof of negatives.

90. Proof of a party being an emigration officer.

91. Passengers suing not incompetent witnesses.

92. Tender of amends.

93. Limitation of actions against officers executing the act. Defendant may plead the general issue, &c. Costs.

94. Limitation of legal proceedings generally.

95. Colonial voyages defined.

96. This act to apply to all colonial voyages, except as relates to matters herein named. If any colonial voyage be less than three weeks, this act not to apply to subjects herein named.

97. Governor of colonies may, by proclamation, declare length of voyage, and prescribe scale of diet, medicines, and medical comforts. Copies of proclamations to be received as evidence.

98. Provision for survey of ships in the colonies, and for appointing surgeons thereto.

99. Power to the Governor-General of India in council, by any act to be passed for that purpose, to adopt this act for India, and to make rules respecting food, passengers, surgeons, &c., and to declare in what manner penalties, &c. may be sued for and recovered. Indian act may be enforced in the colonies in like manner as this act.

100. List of passengers brought into the United Kingdom to be delivered by the master of the ship to the emigration officer. Penalty for neglect. Returns of births and deaths at sea to be made to the registrar-general.

101. Penalty on masters for having on board a greater number of persons than prescribed by sect. 14 of this act.

102. Provisions and water to be issued to passengers brought into the United Kingdom the same as in ships carrying passengers from the United Kingdom. Penalty for default.

103. Schedules to be part of the act.

CAP. CXX.

An Act for the better Local Management of the Metropolis.  
[14th August, 1855.]

Sect. 1. The 1 & 2 Will. 4, c. 60, repealed, so far as regards parishes in Schedules (A.) and (B.)

2. Vestries in parishes named in either of the Schedules

- (A.) and (B.) to consist of not less than 18 or more than 120 persons qualified and elected as after provided.
3. Such parishes with more than 2000 rated householders to be divided into wards.
  4. Power to Secretary of State to appoint persons to set out the wards, and apportion number of vestrymen to be elected.
  5. If relative amounts of population of wards vary in any future census, the numbers of vestrymen may be altered.
  6. Qualification of vestrymen.
  7. As to the first election of vestrymen under this act.
  8. The full number of vestrymen to be chosen at first election, and existing vestries superseded.
  9. As to the term of office of vestrymen elected at first election, and as to future elections.
  10. Vacancies to be filled up at annual elections.
  11. Appointment of auditors of accounts for parishes in Schedules (A.) and (B.)
  12. As to the term of office of auditors.
  13. Notice of elections.
  14. Churchwardens to appoint persons to preside at ward elections.
  15. Rate collectors to assist at the elections.
  16. Form of proceeding at elections.
  17. Power to demand a poll, which shall be taken by ballot.
  18. Duty of inspectors of votes.
  19. Provision for case of equality of votes.
  20. If in the interval between elections the vestry of any parish be reduced below two-thirds, the vacancies to be filled up as herein named.
  21. Penalty for forging or falsifying any voting paper or obstructing the election.
  22. A list of persons elected vestrymen and auditors by parishioners to be published.
  23. Penalty on inspector for making incorrect return.
  24. Vestries to provide places for holding elections, and pay expenses of taking poll, &c.
  25. As to parishes having no churchwardens.
  26. How notices and lists to be published.
  27. Churchwardens, &c. not complying with act guilty of misdemeanour.
  28. Quorum of vestries.
  29. Meetings not to be holden in the church.
  30. Meeting to elect a chairman.
  31. Parishes in Schedule (B.) to be united, and form districts, and district boards constituted.
  32. Vestries to elect members of district boards.
  33. If relative numbers of inhabited houses in parishes in any district vary on any future census, the numbers of members may be altered.
  34. As to the term of office of members of district boards elected at first election, and as to future elections.
  35. Elections to be held annually for supplying vacancies occasioned by expiration of term of office.
  36. Provision as to parishes not electing as many as three members of a district board.
  37. Provision as to casual vacancies.
  38. Powers of district boards to be exercised at meetings, not less than seven members being present.
  39. Ordinary meetings of district boards.
  40. Special meetings of district boards.
  41. Chairman to be elected at meeting of board.
  42. District boards and vestries of parishes in Schedule (A.) incorporated.
  43. Metropolitan board of works constituted and incorporated.
  44. Three members of metropolitan board to be elected for the city.
  45. Vestries of single parishes and district boards to elect members of the metropolitan board.
  46. Boards for districts of Plumstead and Lewisham united for electing a member of metropolitan board.
  47. The parish of Rotherhithe and district of St. Olave united for electing a member of the metropolitan board of works.
  48. As to the term of office of members of metropolitan board elected at first election, and as to future elections.
  49. Elected members of metropolitan board to elect a chairman.
  50. As to appointment of chairman on any vacancy.
  51. Powers of metropolitan board to be exercised at meetings, not less than nine members being present.
  52. Meetings of the metropolitan board.
  53. Chairman to preside at meetings. In case of vacancy, &c., a temporary chairman to be chosen.
  54. Disqualifications of members of metropolitan board, of district boards, of vestries of parishes in Schedules (A.) and (B.), and of auditors.
  55. Members of metropolitan and district boards, and of vestries of parishes in Schedule (A.) or (B.), may resign.
  56. Retiring members of boards and vestries may be re-elected.
  57. No resolution of metropolitan or any district board, or of any vestry, to be revoked at a subsequent meeting, unless under certain circumstances.
  58. Committees may be appointed.
  59. Powers of committees.
  60. Minutes of proceedings of metropolitan and district boards and of vestries to be entered.
  61. All books to be open to inspection.
  62. Power to metropolitan board, district boards, and vestries to appoint officers.
  63. Clerk and treasurer not to be the same person.
  64. Penalty on officers, &c. being interested in contracts, or exacting fees.
  65. Officers, &c. intrusted with money to give security for duly accounting for the same. If officer fail to render account, &c., justices may commit offender to prison. Power to levy by distress.
  66. Metropolitan and district boards and vestries to provide proper offices, and to cause daily attendance to be given.
  67. "Vestry" in following provisions to mean vestry of a parish in Schedule (A.)
  68. Sewers (except main sewers) vested in vestries and district boards.
  69. Vestries and district boards to repair &c. all sewers vested in them, and from time to time to construct new ones, &c.
  70. Power to vestries and district boards to do works of improvement in sewers, &c., the expense of which to be divided between the party liable and the parish or district.
  71. Gullyholes, &c. to be trapped.
  72. Vestries and district boards to cause sewers to be cleaned &c.
  73. Vestry or district board in certain cases may compel owners, &c. of houses to construct drains into the common sewer. Penalty on owner, &c. for neglect.
  74. Provision for combined drainage of blocks of houses.
  75. No house to be built without drains constructed to the satisfaction of the vestry or district board.
  76. Notice of buildings to be given to the vestry or district board before commencing the same.
  77. Power to branch drains into sewers constructed by metropolitan board, or any vestry or district board, under certain regulations. Penalty.
  78. Power to metropolitan board, or vestry or district board, to branch private drains into sewers, at the expense of the party to whom they belong.
  79. Vestry or district board may agree to make house drains at the expense of owners or occupiers.
  80. Vestry or district board may order a contribution towards construction of sewers in certain cases.
  81. Penalty on erecting or rebuilding houses without proper waterclosets, &c. Power to vestry, &c. to require owners, &c. to provide sufficient waterclosets, &c. If owners fail, vestry, &c. to cause the work to be done at their expense.
  82. Power for vestries and district boards to authorise inspection of drains, privies, and cesspools.
  83. Penalty on persons improperly making or altering drains.
  84. Where no default found, expenses to be paid by vestry or board.
  85. Vestry or district board to cause drains, &c. to be put into proper condition, &c., where necessary.
  86. Vestry and district board to cause offensive ditches, drains, &c. to be cleaned or covered. Where works interfere with any ancient mill, &c., compensation to be made, or rights therein purchased.
  87. Power to vestries and district boards to fill up ditches by the side of roads, and substitute pipes.
  88. Power to vestries and district boards to provide public conveniences.
  89. Vestries and district boards may transfer their powers as to sewerage to the metropolitan board of works.

90. All powers relating to paving, &c. to be vested in vestries and in district boards.

91. Saving as to baths and washhouses, metropolitan burials, markets, and Charitable Trusts Acts.

92. Expenses incurred under existing powers relating to paving, &c. to be deemed expenses incurred in execution of this act.

93. As to the transfer of property.

94. Existing contracts, &c. to remain valid.

95. Existing commissioners, &c. under local acts continued in office until commencement of this act.

96. Powers and duties of surveyors of highways, and property vested in them, transferred to vestries and district boards.

97. Provision as to rates already made in parishes mentioned in Schedule (A.)

98. Vestry or district board to cause streets to be paved

99. Owners possessing freehold of courts, &c. to pave the same.

100. Owners of courts to drain them, and keep the pavement, &c. in repair. Penalty on owners for neglect.

101. Vaults and cellars under streets not to be made without the consent of the vestry or board.

102. Vaults, &c. under streets to be repaired by owners or occupiers.

103. Provisions as to the occupation of under-ground rooms as dwellings.

104. Power to district surveyors to enter under-ground rooms and cellars. If admission refused, justice may issue an order.

105. Provisions for paving new streets.

106. Vestry or board may declare their intention of repairing any street, not being a highway. Proviso.

107. Act not to authorise the making any thoroughfare without the consent of the proprietor of the estate.

108. Vestries and district boards may place fences, &c. to footways.

109. Notice to be given by companies to vestries and district boards when pavement, &c. is required to be taken up.

110. Streets not to be broken up, except under the superintendence of vestry or board. Streets broken up to be reinstated without delay.

111. Penalty on persons taking up pavements neglecting to reinstate them, and to place lights during the night-time to prevent accidents.

112. Vestry or district board to direct pavements injured by water or gas pipes to be repaired by company. Penalty for neglect.

113. Company opening the ground to repair a pipe discovered to belong to another company, to give notice to such company, and to be reimbursed expenses.

114. Power to vestry or district board to reinstate pavement, and charge the expenses to the parties.

115. Power for vestry or district board to contract with company for restoring pavements.

116. As to the watering of streets.

117. Vestry or district board to cause footways to be cleansed.

118. Vestries and district boards may appoint and pay crossing-sweepers.

119. Owners, &c. to remove future projections, on notice from vestry or district board. Penalty for neglect.

120. Vestry or district board may remove existing projections, and make compensation for the same.

121. Hoards to be erected during repairs. Penalty on not erecting hoards.

122. No hoard to be erected without license from vestry or district board.

123. If hoard be erected or materials be deposited in any manner otherwise than to the satisfaction of the vestry or district board, the same may be removed.

124. Providing against accidents in laying out new streets, &c.

125. Vestries and district boards to appoint scavengers.

126. Penalty for obstructing scavengers in performance of their duty.

127. Refuse collected to be vested in vestry or district board, who may dispose of the same towards defraying their expenses.

128. Owners or occupiers to pay scavengers for removal of refuse of trades.

129. Dispute as to what is refuse of trade, &c. to be determined by justices.

130. Vestries and district boards to cause streets to be lighted.

131. No slaughter-house to be licensed under the 14 & 15 Vict. c. 61, without notice to vestry or district board.

132. Vestries and district boards to appoint medical officers of health.

133. Appointment of inspectors of nuisances.

134. Vestries and district boards to be the local authorities to execute the Nuisances Removal Acts.

135. Main sewers vested in the metropolitan board of works, and power to such board to make sewers.

136. Before works for intercepting the sewage are commenced, plans, &c. to be submitted to commissioners of works.

137. Metropolitan board may declare sewers to be main sewers, and take under their jurisdiction sewerage matters under jurisdiction of vestries and district boards.

138. Metropolitan board to make orders for controlling vestries and district boards in construction of sewers, &c.

139. Metropolitan board may direct appointments to be made for two parishes or districts jointly.

140. Or may place a street in different parishes under the management of one vestry, or part of a parish under the management of vestry of adjoining parish.

141. Metropolitan board to regulate naming of streets and numbering of houses.

142. Register to be kept of alterations in names of street.

143. Buildings not to be brought beyond line of street.

144. Power to metropolitan board to make improvements.

145. Powers of metropolitan commissioners of sewers to cease.

146. Actions, &c. not to abate, but to continue for or against metropolitan board of works.

147. Rates made by metropolitan commissioners of sewers to be recoverable under this act.

148. Property vested in metropolitan commissioners of sewers (except sewers transferred to vestries and district boards) transferred to the metropolitan board of works.

149. Power to boards and vestries to enter into contracts for carrying act into execution. Power to compound for penalties in respect of breach of contracts.

150. Power to boards and vestries to purchase lands, &c. for the purposes of this act.

151. Certain provisions of the 8 & 9 Vict. c. 18, incorporated with this act.

152. Lands not to be taken compulsorily, except by metropolitan board with consent of Secretary of State.

153. Previous notice to be given.

154. Power to dispose of lands or property not wanted.

155. Owners of land may on sale reserve a right of pre-emption.

156. Penalty for withholding property transferred to metropolitan board, or any vestry or district board.

157. Regulations as to breaking up turnpike-roads.

158. How sums to be raised by vestries and district boards for defraying their expenses.

159. Vestries and boards may exempt parts not benefitted by expenditure from payment.

160. Provisions for cases where a part of a parish is placed under the management of the vestry or board of adjoining parish or district.

161. Overseers to collect the rate in the same manner as the poor rate.

162. Public buildings and void spaces now rateable (except churches and burial grounds) to continue rateable.

163. Land to be rated to the sewers rate at one-fourth part of its annual value.

164. Existing exemptions in respect of sewers rate to be allowed.

165. Existing exemptions of land from lighting rates to be allowed.

166. Overseers, on non-payment of the rate, shall be distrained upon; and in default of sufficient distress the arrears may be levied on the parish.

167. Provision for cases where the vestry of any parish in Schedule (A.) make the poor rate.

168. Special persons may be appointed to levy rates in certain cases.

169. Provision for deduction by tenants of sewers rate.

170. Sums to be assessed upon the city and other parts of the metropolis by metropolitan board for defraying expenses.

171. Power to metropolitan board, or any one authorised by

them, to inspect rates made for county or part of county within the metropolis.

172. Payment to be obtained from the city and from parishes by precepts to the chamberlain of the city and to vestries and district boards.

173. Payment of sums assessed upon the city.

174. Payment by vestries and district boards of sums assessed by metropolitan board.

175. Provision for assessing and levying rates in places where there is no poor rate. Mode of making the assessment. Allowance to assessors.

176. Places in Schedule (C.) not now under rating for sewers not to be rated, except for intercepting sewers.

177. When assessment is made, notice thereof to be given, and all persons included in the assessment to have liberty to inspect it &c. Penalty for refusing inspection.

178. As to the collection of the rate charged in such assessment.

179. Appeal against assessment. The assessment may be altered to relieve the appellant, without altering any other part of it.

180. Provision for discharging existing liabilities under local acts relating to paving, &c.

181. Provision for payment of liabilities of metropolitan commissioners of sewers.

182. Where metropolitan commissioners of sewers have incurred expenses, to be paid by improvement rates, &c., the metropolitan board may levy such rates as remain due.

183. Power to boards and vestries to borrow money on mortgage. No priority amongst mortgagees.

184. Power to commissioners acting under the 14 & 15 Vict. c. 23, to make advances.

185. Form of mortgage. Register of mortgages.

186. Repayment of money borrowed at a time agreed upon. Interest on mortgages to be paid half-yearly. As to repayment of money borrowed when no time has been agreed upon. Interest to cease on expiration of notice to pay off a mortgage debt.

187. Power to borrow to pay off existing securities.

188. Payment of principal and interest may be enforced by the appointment of a receiver.

189. Transfer of mortgages. Register of transfers.

190. Sinking fund to be formed for paying off mortgages.

191. Mode of paying off mortgages.

192. Accounts of metropolitan board, district boards, and vestries to be balanced up to the end of each year.

193. Auditor of accounts of metropolitan board to be appointed by Secretary of State, and remunerated by the board.

194. Auditors to be elected annually by the district boards.

195. As to the audit of accounts.

196. Abstract of accounts to be made.

197. Accounts of other parochial boards to be audited by the auditors elected under this act.

198. Annual reports by vestries and district boards.

199. Vestry to make out and publish yearly a list of estates, charities, and bequests, &c., with the application thereof.

200. Annual report of metropolitan board of works.

201. Reports, &c. of metropolitan board to be laid before Parliament.

202. Power to metropolitan board of works to make bye-laws. Penalty for breach of bye-laws. Power to justices to remit penalties.

203. Publication of bye-laws. Evidence of bye-laws.

204. Buildings not to be made over sewers without consent.

205. Penalty on persons sweeping dirt into sewers.

206. Penalty for wilfully damaging &c. lamps or other property of vestries or district boards, or of the metropolitan board.

207. Persons carelessly or accidentally damaging lamps, &c. to make satisfaction.

208. Penalty on interrupting workmen, &c. in execution of duties.

209. Penalty upon occupiers obstructing execution of works, or not disclosing owner's name.

210. Savings and provisions in local acts applicable to commissioners of sewers to apply to metropolitan and district boards and vestries.

211. Power to appeal against orders and acts of vestries and district boards in relation to construction of works.

212. Metropolitan board to appoint a committee for hearing appeals.

213. Power to grant retiring allowances to persons employed under metropolitan commissioners of sewers.

214. Compensation to officers of paving boards.

215. Where two or more persons are to do any act or pay any sum of money, vestry or district board may apportion the same.

216. Power to vestries and district boards to spread repayment of expenses over a period not exceeding twenty years.

217. Occupiers to pay expenses for which owners are liable, and to be reimbursed out of the rent.

218. Occupier not to be required to pay more than the amount of rent owing by him.

219. Agreements between landlord and tenant not to be affected.

220. As to service of notices, &c. on metropolitan and district boards and vestries.

221. As to service of notices on owners and occupiers and other persons.

222. Authentication of documents.

223. Proof of debts in bankruptcy.

224. Tender of amends.

225. Compensation, damage, and expenses, how to be ascertained and recovered.

226. Method of proceeding before justices in questions of damages, &c.

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230. Proceedings not to be quashed for want of form.

231. Parties allowed to appeal to quarter sessions, on giving security.

232. Court to make such order as they think reasonable.

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234. Application of penalties.

235. Provision for joint action of vestries, and elections out of vestries under local acts.

236. Agreement between the London and North-western Railway Company and certain paving commissioners confirmed.

237. Special provision as to powers of commissioners acting under the 5 & 6 Vict. c. 48, as to paving Ely-place, &c.

238. Special provision as to parish of Woolwich.

239. Special provisions as to inclosed gardens in squares, &c.

240. Saving of powers and property of commissioners under the 14 & 15 Vict. c. 95.

241. Saving of the rights of the commissioners of works.

242. Saving of powers of the city commissioners of sewers over certain parts of parishes in Schedule (B.)

243. Saving rights of Metropolitan Sewage Manure Company, acting under the 9 & 10 Vict. c. cccxviii, and the 10 & 11 Vict. c. cxxxviii.

244. Saving rights of commissioners or trustees of turnpike-roads.

245. Saving for Metropolitan Police Commissioners.

246. Not to prejudice dispute between Battersea and Pease.

247. Repeal of acts inconsistent with this act.

248. In case of conflict with the provisions of this act, provisions of local acts may be varied by Order in Council on petition of boards or vestries.

249. Act may be extended by Order in Council to parishes adjoining the metropolis not having less than 750 ratepayers.

250. Interpretation of terms:—"The metropolis:" "the city of London:" "parish:" "overseers of the poor:" "rates:" "owner:" "street:" "drain:" "sewer:" "ash-pit."

251. Commencement of act.

#### CAP. CXXI.

An Act to consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.

[14th August, 1855.]

Sect. 1. *Recited acts repealed, as far as relates to England, except as to proceedings commenced.*

2. *Interpretation of certain terms used in this act.*

#### PART I.

Constitution of Local Authority, Expenses, Description of Nuisances, and Powers of Entry.

3. *The local authority to execute this act in places as herein stated.*

4. *As to filling up vacancies.*
5. *Power to local authority to appoint committees.*
6. *As to the execution of this act in extra-parochial places.*
7. *As to defraying expenses of executing this act.*
8. *What are deemed nuisances under this act.*
9. *Power to local authority to appoint a sanitary inspector, and allow him a proper salary.*
10. *Notice of nuisances to be given to local authority, &c., to ground proceedings.*
11. *Power of entry to local authority or their officer.*

## PART II.

With regard to the Removal of Nuisances.

12. *Proceedings by local authority before justices in the case of nuisances likely to recur, &c. If proved to justices that nuisances exist, &c., they shall issue order for abatement, &c.*
13. *Justices' order for abatement. Prohibitive order against future nuisance.*
14. *Penalty for contravention of order of abatement, and of prohibition. Local authority may enter, and remove or abate nuisance.*
15. *Appeal against order of prohibition.*
16. *Appeal against order of abatement when structural works are required.*
17. *If person causing nuisance cannot be found, local authority to execute order at once.*
18. *Manure, &c. to be sold.*
19. *Costs and expenses of works to be paid by person on whom order is made, or owner or occupier.*
20. *Proceedings before justices to recover expenses.*
21. *Surveyors of highways to cleanse ditches, &c., paying owners, &c. for damages.*
22. *Power to local authority to cover and improve open ditches, &c.*
23. *Penalty for causing water to be corrupted by gas washings.*
24. *Penalty to be sued for in superior courts within six months.*
25. *Daily penalty during the continuance of the offence.*
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27. *As to nuisances arising in cases of noxious trades, businesses, processes, or manufactures.*
28. *Reference to a superior court, at the option of the party complained against.*
29. *On certificate of medical officer to local authority that house is overcrowded, proceedings may be taken to abate the same.*
30. *Local authority to order costs of prosecutions to be paid out of the rates.*

## PART III.

As to Procedure under this Act.

31. *Service of notices, summonses, and orders.*
32. *Proof of resolutions of local authority.*
33. *As to proceedings taken against several persons for the same offence.*
34. *One or more joint owners or occupiers may be proceeded against alone.*
35. *Designation of "owner" or "occupier."*
36. *Penalty for obstructing execution of this act.*
37. *Penalty on occupier obstructing owner.*
38. *Penalties and expenses recoverable under the 11 & 12 Vict. c. 43.*
39. *Proceedings not to be quashed for want of form.*
40. *Appeals under this act to be to quarter sessions.*
41. *Forms to be used as in schedule.*
42. *As to protection of local authority and its officers.*
43. *Act not to impair jurisdiction of sewers commissioners, or common-law remedies for nuisance, nor jurisdiction of local authority as to the nuisances referred to in this act.*
44. *Act not to affect navigation of rivers or canals.*
45. *Saving as to rights of millowners, &c.*
46. *Short title.*

Whereas the provisions of the Nuisances Removal and Diseases Prevention Act, 1848, [11 & 12 Vict. c. 123], amended by the Nuisances Removal and Diseases Prevention Amendment Act, 1849, [12 & 13 Vict. c. 111], are defective, and it is expedient to repeal the said acts as far as relates to Eng-

land, and to substitute other provisions more effectual in that behalf: be it therefore enacted &c. as follows:—

1. From and after the passing of this act the said acts are by this section repealed, as far as relates to England: provided always, that all proceedings commenced or taken under the said acts, and not yet completed, may be proceeded with under the said acts; and all contracts or works undertaken by virtue of the said acts shall continue and be as effectual as if the said acts had not been repealed.

2. In this act the following words and expressions have the meanings by this section hereinafter assigned to them, unless such meanings be repugnant to or inconsistent with the context; (that is to say), the word "place" includes any city, borough, district under the Public Health Act, parish, township, or hamlet, or part of any such city, borough, district, town, parish, township, or hamlet; the word "guardians" includes the directors, wardens, overseers, governors, or other like officers having the management of the poor for any parish or place where the matter or any part of the matter requiring the cognisance of any such officer arises; the word "borough," and the expressions "mayor, aldermen, and burgesses," "council," and "borough fund," have respectively the same meaning as in the acts for the regulation of municipal corporations, and shall also respectively mean, include, and apply to any royal borough, royal town, or other town having a warden, high bailiff, borough reeve, or other chief officer, and burgesses or inhabitants, however designated, associated with him in the government or management thereof, or any town or place having a governing body therein in the nature of a corporation or otherwise, and to the chief officers and governing bodies of such boroughs, towns, and places, and to the funds and property under the management of or at the disposal of such chief officers and governing bodies; the expression "improvement act" means an act for regulating and managing the police of, and for draining, cleansing, paving, lighting, watching, and improving a place, and an act for any of those purposes; the word "owner" includes any person receiving the rents of the property in respect of which that word is used, from the occupier of such property, on his own account, or as trustee or agent for any other person, or as receiver or sequestrator appointed by the Court of Chancery or under any order thereof, or who would receive the same if such property were let to a tenant; the word "premises" extends to all messuages, lands, or tenements, whether open or inclosed, whether built on or not, and whether public or private; the word "parish" includes every township or place separately maintaining its poor, or separately maintaining its own highways; the expression "quarter sessions" means the court of general or quarter sessions of the peace for a county, riding, or division of a county, city, or borough; the word "person," and words applying to any person or individual, apply to and include corporations, whether aggregate or sole; and the expression "two justices" shall, in addition to its ordinary signification, mean one stipendiary or police magistrate acting in any police court for the district.

## PART I.

And with respect to the constitution of the local authority for the execution of this act, the expenses of its execution, the description of nuisances that may be dealt with under it, and the powers of entry for the purposes of the act, be it enacted thus:—

3. The following bodies shall respectively be the local authority to execute this act in the districts hereunder stated in England:

In any place within which the Public Health Act is or shall be in force, the local board of health:

In any other place wherein a council exists or shall exist, the mayor, aldermen, and burgesses, by the council, except in the city of London and the liberties thereof, where the local authority shall be the commissioners of sewers for the time being; and except in the city of Oxford and borough of Cambridge, where the local authority shall be the commissioners acting in execution of the local improvement acts in force respectively in the said city and borough:

In any place in which there is no local board of health or council, and where there are or shall be trustees or commissioners under an improvement act, such trustees or commissioners:

In any place within which there is no such local board of

health, nor council, body of trustees, or commissioners, and where there is or shall be a board for the repair of the highways of such place, that board :

In any place where there is no such local board of health, council, body of trustees, or commissioners, nor highway board, a committee for carrying this act into execution, by the name of "The Nuisances Removal Committee," of which the surveyor or surveyors of highways for the time being of such place shall be ex officio a member or members, may be annually chosen by the vestry on the same day as the overseers or surveyors of highways, and the first of such committees may be chosen at a vestry to be specially held for that purpose; and such committee may consist of such number of members as the vestry shall determine, not being more than twelve, exclusive of such surveyor or surveyors; and of such committee three shall be a quorum :

In any place wherein there is no such local board of health, council, body of trustees, or commissioners, highway board, or committee appointed as aforesaid, and wherein there is or shall be a board of inspectors for lighting and watching under the act 3 & 4 Will. 4, c. 90, that board, with the surveyors of highways :

In any place in which there is no such local board of health, council, body of trustees, or commissioners, nor highway board, nor committee appointed as aforesaid, nor board of inspectors for lighting and watching, the guardians and overseers of the poor and the surveyors of the highways in and for such place.

4. On any vacancy in such nuisances removal committee, arising from death, change of residence, or otherwise, notice shall be given by the committee to the churchwardens, who shall forthwith summon a meeting of the vestry, and fill up such vacancy by election; and until such vacancy is filled up, the remaining members of the committee may act in all respects as if their number was complete.

5. The local authority may appoint any committee of their own body to receive notices, take proceedings, and in all or certain specified respects execute this act, whereof two shall be a quorum; and such local authority or their committee may, in each particular case, by order in writing under the hand of the chairman of such body or committee, empower any officer or person to make complaints and take proceedings on their behalf.

6. In extra-parochial places not comprised within the jurisdiction of any of the local authorities aforesaid, and having a population of not less than 200 persons, the local authority for the execution of this act shall be a nuisances removal committee, elected annually by the householders within the extra-parochial place :

The first election of such committee shall take place at a meeting of such householders summoned for that purpose by the churchwardens of the adjacent place having the largest common boundary with such extra-parochial place; and

Subsequent elections shall be held annually on some day in Easter week at meetings summoned by the chairman of the local authority for the year preceding :

Extra-parochial places not so comprised as aforesaid, and having a population of less than 200 persons, shall for the purposes of this act be attached to and form part of the adjacent place having the largest common boundary with the extra-parochial place, and notice of vestry meetings for the election of a local authority under and for the purposes of this act shall be given in such extra-parochial places, and the householders within such places may attend such vestry meetings, and vote on such elections.

7. All charges and expenses incurred by the local authority in executing this act, and not recovered as by this act provided, may be defrayed as follows; to wit—

Out of general district rates, where the local authority is a local board of health :

Out of the borough fund or borough rate, where the local authority is the mayor, aldermen, and burgesses, by the council; or if there be an improvement act for the borough administered by the council, then out of rates levied thereunder applicable to the purposes of such improvement act; or in the city of London and the liberties thereof, any rates or funds administered by the commissioners of sewers for the said city and liberties :

Provided always, that in the city of Oxford and borough of Cambridge such expenses shall be deemed annual charges and expenses of cleansing the streets of the said city and borough respectively, and shall be so payable :

Out of the rates levied for purposes of improvement under any improvement act, where the local authority is a body of trustees or commissioners acting in execution of the powers of such an act :

Out of highway rates, or any fund applicable in aid or in lieu thereof, where the local authority is a highway board or a nuisances removal committee :

Out of the rates for lighting and watching, where the local authority is a board of inspectors appointed for lighting and watching :

And if there be no such rates or funds, or if the local authority be the guardians and surveyors of highways, then out of the rates or funds applicable to the relief of the poor of the parish or place wherein such rates or funds are collected or arise, if such parish or place be co-extensive with the district within which the charges and expenses are incurred; but if such parish or place be now, or hereafter shall be, partly comprised within and partly without the limits of a place where a local authority, other than a highway board, nuisances removal committee, inspectors of watching and lighting, and surveyors or guardians and surveyors, exists or shall exist, all the charges and expenses incurred in the district comprising that part of the parish or place which is excluded from such limits shall be defrayed out of any highway rate or rates, or any funds applicable in lieu thereof, collected or raised within the part so excluded; and if there be more than one highway rate collected within such district, the local authority shall settle the proportion in which the respective parties or places liable thereto shall bear such charges and expenses; and if any portion of such excluded part be exempt from such highway rate or rates, then all the charges and expenses incurred in the whole of such excluded part shall be defrayed out of any district police rate or other rate which may by the act 12 & 13 Vict. c. 65, be raised and assessed upon such excluded part :

And when the local authority has not control of such rates or funds, the officer or person having the custody or control thereof shall pay over the amount to the local authority, on the order of two justices, directed to such officer or person; and on neglect or refusal to pay the sum specified in such order for six days after the service thereof, the same may, by warrant under the hands of the same or any two justices, be levied by distress and sale of the goods and chattels of the officer or person in default, and such levy shall include the costs of such distress and sale :

In extra-parochial places having a population of not less than 200 persons, out of a rate assessed by the local authority on all such property in the place as would be assessable to highway rate if such rate were levied therein :

In extra-parochial places having a population of less than 200 persons, out of a similar rate assessed by the surveyor of highways of the adjacent place having the largest common boundary with such extra-parochial place :

And the local authority in the first case, and the surveyor of highways in the second, may levy and collect the sums so assessed, in the same manner, and with the same remedies in case of any default in payment thereof, and with the same right of appeal against the amount of such assessment reserved to the person assessed, as are provided by the law in force for the time being with regard to rates for the repair of highways.

8. The word "nuisances" under this act shall include—

Any premises in such a state as to be a nuisance or injurious to health :

Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit so foul as to be a nuisance or injurious to health :

Any animal so kept as to be a nuisance or injurious to health :

Any accumulation or deposit which is a nuisance or injurious to health :

Provided always, that no such accumulation or deposit as shall be necessary for the effectual carrying on of any business or manufacture shall be punishable as a nuisance under this section, when it is proved to the satisfaction of the justices that

the accumulation or deposit has not been kept longer than is necessary for the purposes of such business or manufacture, and that the best available means have been taken for protecting the public from injury to health thereby.

9. The local authority shall, for the purposes of this act, appoint or employ, or join with other local authorities in appointing or employing, a sanitary inspector or inspectors, and may appoint a convenient place for his or their office, and may allow to every such person on account of his employment a proper salary or allowance; and where local authorities join in such appointment or employment, they may apportion among themselves the payment of such salary or allowance: provided always, that where the local authority has already appointed an officer who executes the duties of such inspector under any improvement act, it shall not be necessary to appoint any other inspector under this act, but the inspector acting in execution of the improvement act shall have all the powers, authorities, and privileges granted to any inspector appointed under this act.

10. Notice of nuisance may be given to the local authority by any person aggrieved thereby, or by any of the following persons—the sanitary inspector, or any paid officer under the said local authority; two or more inhabitant householders of the parish or place to which the notice relates; the relieving officer of the union or parish; any constable, or any officer of the constabulary or police force of the district or place; and in case the premises be a common lodging-house, any person appointed for the inspection of common lodging-houses; and the local authority may take cognisance of any such nuisance after entry made as hereinafter provided, or in conformity with any improvement act under which the inspector has been appointed.

11. The local authority shall have power of entry for the following purposes of this act, and under the following conditions:—

1. To ground proceedings.

For this purpose, when they or any of their officers have reasonable grounds for believing that a nuisance exists on any private premises, demand may be made by them or their officer, on any person having custody of the premises, of admission to inspect the same, at any hour between nine in the morning and six in the evening; and if admission be not granted, any justice having jurisdiction in the place may, on oath made before him of belief in the existence of the nuisance, and after reasonable notice of the intended application to such justice being given in writing to the party on whose premises the nuisance is believed to exist, by order under his hand require the person having the custody of the premises to admit the local authority or their officer; and if no person having custody of the premises can be discovered, any such justice may and shall, on oath made before him of belief in the existence of such nuisance, and of the fact that no person having custody of the premises can be discovered, by order under his hand authorise the local authority or their officers to enter the premises between the hours aforesaid.

2. To examine premises where nuisances exist, to ascertain the course of drains, and to execute or inspect works ordered by justices to be done under this act.

For these purposes, whenever, under the provisions of this act, a nuisance has been ascertained to exist, or when an order of abatement or prohibition under this act has been made, or when it becomes necessary to ascertain the course of a drain, the local authority may enter on the premises, by themselves or their officers, between the hours aforesaid, until the nuisance shall have been abated, or the course of the drain shall have been ascertained, or the works ordered to be done shall have been completed, as the case may be.

3. To remove or abate a nuisance in case of non-compliance with or infringement of the order of justices, or to inspect or examine any carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour, under the powers and for the purposes of this act.

For this purpose the local authority or their officer may from time to time enter the premises where the nuisance exists, or the carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour is found, at all reasonable hours, or at all hours during which business is carried on on such premises, without notice.

PART II.

With regard to the removal of nuisances, be it enacted thus:—

12. In any case where a nuisance is so ascertained by the local authority to exist, or where the nuisance in their opinion did exist at the time when the notice was given, and, although the same may have been since removed or discontinued, is in their opinion likely to recur or to be repeated on the same premises or any part thereof, they shall cause complaint thereof to be made before a justice of the peace; and such justice shall thereupon issue a summons requiring the person by whose act, default, permission, or sufferance the nuisance arises or continues, or if such person cannot be found or ascertained, the owner or occupier of the premises on which the nuisance arises, to appear before any two justices, in petty sessions assembled, at their usual place of meeting, who shall proceed to inquire into the said complaint; and if it be proved to their satisfaction that the nuisance exists, or did exist at the time when the notice was given, or, if removed or discontinued since the notice was given, that it is likely to recur or to be repeated, the justices shall make an order in writing under their hands and seals on such person, owner, or occupier for the abatement or discontinuance and prohibition of the nuisance as hereinafter mentioned, and shall also make an order for the payment of all costs incurred up to the time of hearing or making the order for abatement or discontinuance or prohibition of the nuisance.

13. By their order the justices may require the person on whom it is made to provide sufficient privy accommodation, means of drainage or ventilation, or to make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify the premises which are a nuisance or injurious to health, or such part thereof as the justices may direct in their order, or to drain, empty, cleanse, fill up, amend, or remove the injurious pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit which is a nuisance or injurious to health, or to provide a substitute for that complained of, or to carry away the accumulation or deposit which is a nuisance or injurious to health, or to provide for the cleanly and wholesome keeping of the animal kept so as to be a nuisance or injurious to health, or if it be proved to the justices to be impossible so to provide, then to remove the animal, or any or all of these things, (according to the nature of the nuisance), or to do such other works or acts as are necessary to abate the nuisance complained of, in such manner and within such time as in such order shall be specified; and if the justices are of opinion that such or the like nuisance is likely to recur, the justices may further prohibit the recurrence of it, and direct the works necessary to prevent such recurrence, as the case may in the judgment of such justices require; and if the nuisance proved to exist be such as to render a house or building, in the judgment of the justices, unfit for human habitation, they may prohibit the using thereof for that purpose until it is rendered fit for that purpose in the judgment of the justices; and on their being satisfied that it has been rendered fit for such purpose, they may determine their previous order by another declaring such house habitable, from the date of which other order such house may be let or inhabited.

14. Any person not obeying the said order for abatement shall, if he fail to satisfy the justices that he has used all due diligence to carry out such order, be liable for every such offence to a penalty of not more than 10s. per day during his default; and any person knowingly and wilfully acting contrary to the said order of prohibition shall be liable for every such offence to a penalty not exceeding 20s. per day during such contrary action; and the local authority may, under the powers of entry given by this act, enter the premises to which the order relates, and remove or abate the nuisance condemned or prohibited, and do whatever may be necessary in execution of such order, and charge the cost to the person on whom the order is made, as hereinafter provided.

15. Any such order of prohibition may be appealed against as provided in this act.

16. When it shall appear to the justices that the execution of structural works is required for the abatement of a nuisance, they may direct such works to be carried out under the direction or with the consent or approval of any public board, trustees, or commissioners having jurisdiction in the place in respect of such works; and if within seven days from the date of the order the person on whom it is made shall have given notice to the local authority of his intention to appeal against



it as provided in this act, and shall have entered into recognisances to try such appeal as provided by this act, and shall appeal accordingly, no liability to penalty shall arise, nor shall any work be done or proceedings taken under such order, until after the determination of such appeal, unless such appeal cease to be prosecuted.

17. Whenever it appears, to the satisfaction of the justices, that the person by whose act or default the nuisance arises, or the owner or occupier of the premises, is not known or cannot be found, then such order may be addressed to and executed by such local authority, and the costs defrayed out of the rates or funds applicable to the execution of this act.

18. Any matter or thing removed by the local authority in pursuance of this enactment may be sold by public auction, after not less than five days' notice by posting bills distributed in the locality, unless in cases where the delay would be prejudicial to health, when the justices may direct the immediate removal, destruction, or sale of the matter or thing; and the money arising from the sale retained by the local authority, and applied in payment of all expenses incurred under this act with reference to such nuisance, and the surplus, if any, shall be paid, on demand, by the local authority, to the owner of such matter or thing.

19. All reasonable costs and expenses from time to time incurred in making a complaint, or giving notice, or in obtaining an order of justices under this act, or in carrying the same into effect under this act, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order be made on the local authority, or if no order be made, but the nuisance be proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, the said premises shall be and continue chargeable with such costs and expenses, and also with the amount of any penalties incurred under this act, until the same be fully discharged, provided that such costs and expenses shall not exceed in the whole one year's rack-rent of the premises; and such costs and expenses and penalties, together with the charges of suing for the same, may be recovered in any county or superior court, or, if the local authority think fit, before any two justices of the peace; and the said justices shall have power to divide such costs, expenses, and penalties between the persons by whose act or default the nuisance arises, in such manner as they shall consider reasonable; and if it appear to them that a complaint made under this act is frivolous or unfounded, they may order the payment by the local authority or person making the complaint of the costs incurred by the person against whom the complaint is made, or any part thereof.

20. Where any costs, expenses, or penalties are due under or in consequence of any order of justices made in pursuance of this act as aforesaid, any justice of the peace, upon the application of the local authority, shall issue a summons requiring the person from whom they are due to appear before two justices, at a time and place to be named therein; and upon proof to the satisfaction of the justices present that any such costs, expenses, or penalties are so due, such justices, unless they think fit to excuse the party summoned upon the ground of poverty or other special circumstances, shall, by order in writing under their hands and seals, order him to pay the amount to the local authority at once, or by such instalments as the justices think fit, together with the charges attending such application and the proceedings thereon; and if the amount of such order, or any instalment thereof, be not paid within fourteen days after the same is due, the same may, by warrant of the said or other justices, be levied by distress and sale.

21. All surveyors and district surveyors may make, scour, cleanse, and keep open all ditches, gutters, drains, or watercourses in and through any lands or grounds adjoining or lying near to any highway, upon paying the owner or occupier of such lands or grounds, provided they are not waste or common, for the damages which he shall thereby sustain, to be settled and paid in such manner as the damages for getting materials in inclosed lands or grounds are directed to be settled and paid by the law in force for the time being with regard to highways.

22. Whenever any ditch, gutter, drain, or watercourse used or partly used for the conveyance of any water, filth, sewage, or other matter from any house, buildings, or premises is a nuisance within the meaning of this act, and cannot, in the

opinion of the local authority, be rendered innocuous without the laying down of a sewer or of some other structure along the same or part thereof, or instead thereof, such local authority shall and they are hereby required to lay down such sewer or other structure, and to keep the same in good and serviceable repair, and they are hereby declared to have the same powers as to entering lands for the purposes thereof, and to be entitled to recover the same penalties in case of interference, as are contained in the 67th and 68th sections of the 5 & 6 Will. 4, intitled "An Act for consolidating and amending the Laws relating to Highways in England;" and such local authority are hereby authorised and empowered to assess every house, building, or premises then or at any time thereafter using for the purposes aforesaid the said ditch, gutter, drain, watercourse, sewer, or other structure, to such payment, either immediate or annual, or distributed over a term of years, as they shall think just and reasonable, and, after fourteen days' notice at the least left on the premises so assessed, to levy and collect the sum and sums so assessed in the same manner, and with the same remedies in case of default in payment thereof, as highway rates are by the law in force for the time being leviable and collectable, and with the same right and power of appeal against the amount of such assessment reserved to the person or persons so assessed as by the law for the time being in force shall be given against any rate made for the repair of the highways; and the provisions contained in this section shall be deemed to be part of the law relating to highways in England: provided always, that where such ditch, gutter, drain, or watercourse shall, as to parts thereof, be within the jurisdiction of different local authorities, this enactment shall apply to each local authority only as to so much of the works hereby required, and the expenses thereof, as is included within the respective jurisdiction of that authority: provided also, that such assessment shall in no case exceed 1s. in the pound on the assessment to the highway rate, if any.

23. Any person or company engaged in the manufacture of gas who shall at any time cause or suffer to be brought or to flow into any stream, reservoir, or aqueduct, pond, or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying gas, or shall wilfully do any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond, or place for water shall be fouled, shall forfeit for every such offence the sum of 200*l*.

24. Such penalty may be recovered, with full costs of suit, in any of the superior courts, by the person into whose water such washing or other substance shall be conveyed or shall flow, or whose water shall be fouled by any such act as aforesaid; or if there be no such person, or in default of proceedings by such person after notice to him from the local authority of their intention to proceed for such penalty, by the local authority; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it shall have ceased.

25. In addition to the said penalty of 200*l*., (and whether such penalty shall have been recovered or not), the person or company so offending shall forfeit the sum of 20*l*., (to be recovered in the like manner) for each day during which such washing or other substance shall be brought or shall flow as aforesaid, or during which the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on such person or company by the local authority, or the person into whose water such washing or other substance shall be brought or flow, or whose water shall be fouled thereby, and such penalty shall be paid to the parties from whom such notice shall proceed; and all monies recovered by a local authority under this or the preceding section shall, after payment of any damage caused by the act for which the penalty is imposed, be applied towards defraying the expenses of executing this act.

26. The sanitary inspector may at all reasonable times inspect and examine any carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour exposed for sale, or in the course of or on their way to slaughtering, dressing, or preparation for sale or use, or landed from any ship or vessel in any port in England; and in case any such carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour appear to him to be unfit for such food, the same may be seized; and if it appear to a justice that any such carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread,

or flour is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food; and the person to whom such carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour belongs, or in whose custody the same is found, shall be liable to a penalty not exceeding 10*l.* for every carcase, fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour so found.

27. If any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling, burning, or crushing bones, or any manufactory, building, or place used for any trade, business, process, or manufacture causing effluvia, be at any time certified to the local authority by any medical officer, or any two legally qualified medical practitioners, to be a nuisance, or injurious to the health of the inhabitants of the neighbourhood, the local authority shall direct complaint to be made before any justice, who may summon before any two justices in petty sessions, assembled at their usual place of meeting, the person by or in whose behalf the work so complained of is carried on, and such justices shall inquire into such complaint; and if it shall appear to such justices that the trade or business carried on by the person complained against is a nuisance, or causes any effluvia injurious to the health of the inhabitants of the neighbourhood, and that such person shall not have used the best practicable means for abating such nuisance or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier) shall, upon a summary conviction for such offence, forfeit and pay a sum of not more than 5*l.* nor less than 40*s.*, and upon a second conviction for such offence the sum of 10*l.*, and for each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of 200*l.*: provided always, that the justices may suspend their final determination in any such case, upon condition that the person so complained against shall undertake to adopt, within a reasonable time, such means as the said justices shall judge to be practicable, and order to be carried into effect, for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, or shall give notice of appeal in the manner provided by this act, and shall enter into recognisances to try such appeal, and shall appeal accordingly: provided always, that the provisions hereinbefore contained shall not extend or be applicable to any place without the limits of any city, town, or populous district.

28. Provided also, that if, upon his appearance before such justices, the party complained against object to have the matter determined by such justices, and enter into recognisances, with sufficient sureties, to be approved by the justices, to abide the event of any proceedings at law or in equity that may be had against him on account of the subject-matter of complaint, the local authority shall thereupon abandon all proceedings before the justices, and shall forthwith take proceedings at law or in equity in her Majesty's superior courts for preventing or abating the nuisance complained of.

29. Whenever the medical officer of health, if there be one, or if none, whenever two qualified medical practitioners, shall certify to the local authority that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants, and the inhabitants shall consist of more than one family, the local authority shall cause proceedings to be taken before the justices to abate such overcrowding, and the justices shall thereupon make such order as they may think fit, and the person permitting such overcrowding shall forfeit a sum not exceeding 40*s.*

30. The local authority may, within the area of their jurisdiction, direct any proceedings to be taken at law or in equity in cases coming within the purview of this act, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this act, or in relation to appeals under this act, and may order the expenses of all such proceedings to be paid out of the rates or funds administered by them under this act.

### PART III.

And with regard to procedure under this act, be it enacted, that—

31. Notices, summonses, and orders under this act may be

served by delivering the same to or at the residence of the persons to whom they are respectively addressed, and where addressed to the owner or occupier of premises they may also be served by delivering the same, or a true copy thereof, to some person upon the premises; or if there be no person upon the premises who can be so served, by fixing the same upon some conspicuous part of the premises; or if the person shall reside at a distance of more than five miles from the office of the inspector, then by a registered letter through the post.

32. Copies of any orders or resolutions of the local authority or their committee, purporting to be signed by the chairman of such body or committee, shall, unless the contrary be shewn, be received as evidence thereof, without proof of their meeting, or of the official character or signature of the person signing the same.

33. Where proceedings under this act are to be taken against several persons in respect of one nuisance caused by the joint act or default of such persons, it shall be lawful for the local authority to include such persons in one complaint, and for the justices to include such persons in one summons, and any order made in such a case may be made upon all or any number of the persons included in the summons, and the costs may be distributed as to the justices may appear fair and reasonable.

34. In case of any demand or complaint under this act to which two or more persons, being owners or occupiers of premises, or partly the one or partly the other, may be answerable jointly, or in common or severally, it shall be sufficient to proceed against any one or more of them, without proceeding against the others or other of them; but nothing herein contained shall prevent the parties so proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

35. Whenever, in any proceeding under this act, whether written or otherwise, it shall become necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

36. Whoever refuses to obey an order of justices under this act for admission on premises of the local authority or their officers, or wilfully obstructs any person acting under the authority or employed in the execution of this act, shall be liable for every such offence to a penalty not exceeding 5*l.*

37. If the occupier of any premises prevent the owner thereof from obeying or carrying into effect the provisions of this act, any justice to whom application is made in this behalf shall by order in writing require such occupier to desist from such prevention, or to permit the execution of the works required to be executed, provided that such works appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this act; and if within twenty-four hours after the service of such order the occupier against whom it is made do not comply therewith, he shall be liable to a penalty not exceeding 5*l.* for every day afterwards during the continuance of such non-compliance.

38. Penalties imposed by this act for offences committed and sums of money ordered to be paid under this act may be recovered by persons thereto competent in England according to the provisions of the act of the 11 & 12 Vict. c. 43; and all penalties recovered by the local authority under this act shall be paid to them, to be by them applied in aid of their expenses under this act.

39. No order, nor any other proceeding, matter, or thing done or transacted in or relating to the execution of this act, shall be vacated, quashed, or set aside for want of form; nor shall any order, nor any other proceeding, matter, or thing done or transacted in relation to the execution of this act, be removed or removeable by certiorari, or by any other writ or process whatsoever, into any of the superior courts; and proceedings under this act against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

40. Appeals under this act shall be to the court of quarter sessions held next after the making of the order appealed against; but the appellant shall not be heard in support of the appeal unless within fourteen days after the making of the order appealed against he give to the local authority notice in writing, stating his intention to bring such appeal, together with a statement in writing of the grounds of appeal, and

shall within two days of giving such notice enter into a recognisance before some justice of the peace, with sufficient securities, conditioned to try such appeal at the said court, and to abide the order of and pay such costs as shall be awarded by the justices at such court, or any adjournment thereof; and the said court, upon hearing and finally determining the matter of the appeal, may, according to its discretion, award such costs to the party appealing or appealed against as they shall think proper, and its determination in or concerning the premises shall be conclusive and binding on all persons to all intents or purposes whatsoever: provided always, that if there be not time to give such notice and enter into such recognisance as aforesaid, then such appeal may be made to, and such notice, statement, and recognisance be given and entered into for, the next sessions at which the appeal can be heard: provided also, that on the hearing of the appeal no grounds of appeal shall be gone into or entertained other than those set forth in such statement as aforesaid: provided also, that in any case of appeal the court of quarter sessions may, if they think fit, state the facts specially for the determination of her Majesty's Court of Queen's Bench, in which case it shall be lawful to remove the proceedings, by writ of certiorari or otherwise, into the said Court of Queen's Bench.

41. The forms contained in the schedule to this act annexed, or any forms to the like effect, varied as circumstances may require, may be used for instruments under this act, and shall be sufficient for the purpose intended.

42. The local authority, and any officer or person acting under the authority, and in execution or intended execution, of this act, shall be entitled to such protection and privilege in actions and suits, and such exemption from personal liability, as are granted to local boards of health and their officers by the law in force for the time being.

43. Nothing in this act shall be construed to affect the provisions of any local act as to matters included in this act, nor to impair, abridge, or take away any power, jurisdiction, or authority which may at any time be vested in any commissioners of sewers or of drainage, or to take away or interfere with any course of proceedings which might be resorted to or adopted by such commissioners if this act had not passed, nor to impair any power of abating nuisances at common law, nor any jurisdiction in respect of nuisances that may be possessed by any authority under the act intitled "An Act to abate the Nuisances arising from the Smoke of Furnaces in the Metropolis, and from Steam Vessels above London Bridge," or the Common Lodging-houses Acts, the Act for the Regulation of Municipal Corporations, the Public Health Act, or any improvement act respectively, or any acts incorporated with such acts; and authorities may respectively proceed for the abatement of nuisances, or in respect of any other matter or thing hereinbefore provided or referred to, either under the acts mentioned in this section, or any other act conferring jurisdiction in respect of the nuisances referred to in this act, or any bye-laws framed under any such act, as they may think fit; and the local authorities constituted under and for the purposes of the Common Lodging-houses Acts, 1851 and 1853, shall, for the purposes of those acts, have all the powers of local authorities under this act.

44. Nothing herein contained shall enable any local authority, surveyor of highways, or other person, either with or without any order of justices, to injuriously affect the navigation of any river or canal, or to divert or diminish any supply of water of right belonging to any such river or canal; and the provisions of this act shall not extend or be construed to extend to mines of different descriptions, so as to interfere with or obstruct the efficient working of the same, or to the smelting of ores and minerals, or to the manufacturing of the produce of such ores and minerals.

45. No power given by this act shall be exercised in such manner as to injuriously affect the supply, quality, or fall of water contained in any reservoir or stream, or any feeders of such reservoir or stream, belonging to or supplying any water-work established by act of Parliament, or in cases where any company or individual are entitled for their own benefit to the use of such reservoir or stream, or to the supply of water contained in such feeders, without the consent in writing of the company or corporation in whom such waterworks may be vested, or of the parties so entitled to the use of such reservoirs, streams, and feeders, and also of the owners thereof in cases where the owners and parties so entitled are not the same person.

46. In citing this act in other acts of Parliament, and in legal instruments and other proceedings, it shall be sufficient to use the words "The Nuisances Removal Act for England, 1855."

## SCHEDULE OF FORMS.

### FORM (A.)

#### *Order of Justices for Admission of Officer of Local Authority to inspect private Premises.*

Whereas [describe the local authority] have by their officer [naming him] made application to me, A. B., one of her Majesty's justices of the peace having jurisdiction in and for [describe the place], and the said officer has made oath to me of his belief that a nuisance, within the meaning of the Nuisances Removal Act for England, 1855, viz. [describe nuisance], exists on private premises at [describe situation of premises so as to identify them], within my jurisdiction, and demand of admission to such premises for the inspection thereof has been duly made under the said act, and refused:

Now, therefore, I, the said A. B., do hereby require you to admit the said [name the local authority], [or, the officer of the said (local authority)], for the purpose of inspecting the said premises.

Dated this — day of —, 18—.

A. B.

### FORM (B.)

#### *Notice of Nuisance.*

To the local authority [describing it.]

I, [or, we], the person aggrieved by the nuisance hereinafter described, [or, the undersigned and described inhabitant householders, sanitary inspector, or other officer (describing him)], do hereby give you notice, that there exists in or upon the [dwelling-house, yard, &c., as the case may be], situate at [giving such description as may be sufficient to identify the premises], in the parish of —, in your district, under the Nuisances Removal Act, 1855, the following nuisance, viz. [describing the nuisance, as the case may be: for instance, a dwelling-house or building a nuisance or injurious to health for want of a privy or drain or sufficient means of ventilation, or so dilapidated or so filthy as to be a nuisance or injurious to health; or, for further instance, a ditch or drain so foul as to be a nuisance or injurious to health, or an accumulation of —, a nuisance or injurious to health, &c., or swine so kept as to be a nuisance or injurious to health]; and that such nuisance is caused by [naming the person by whose act or default the nuisance is caused, or by some person unknown.]

Dated this — day of —, in the year of our Lord 18—.

[Signed by complainant, under sect. 10.]

### FORM (C.)

#### *Notice to Owner or Occupier of Entry for Examination.*

To the owner [or, occupier, as the case may be] of [describe the premises] situate at [insert a description sufficient to identify the premises.]

Take notice, that under the Nuisances Removal Act for England, 1855, the [local authority, naming it], in whose district under the said act the above premises are situate, have received a notice from [name complainant], stating that in or upon the said premises [insert the cause of nuisance as set forth in the notice.]

And further take notice, that after the expiration of twenty-four hours from the service of this notice, the [local authority] will cause the said premises to be entered and examined under the provisions of the said act, and if the cause of nuisance aforesaid be found still existing, or, though removed or discontinued, be likely to be repeated, a summons will be issued requiring your attendance to answer a complaint which will be made to the justices for enforcing the removal of the same, and prohibiting a repetition thereof, and for recovering the costs and penalties that may be incurred thereby.

Dated this — day of —, in the year of our Lord 18—.

A. B.,

The officer appointed by the [local authority] to take proceedings under the Nuisances Removal Act for England, 1855.

## FORM (D.)

## Summons.

To the owner [or, occupier] of [describe premises], situate at [insert such a description as may be sufficient to identify the premises], [or, to A. B., of —.]

County of —, [or, Borough of —, &c., or, District of —, or as the case may be], to wit. You are required to appear before two of her Majesty's justices of the peace [or, one of the magistrates of the police courts of the metropolis, or, the stipendiary magistrate] of the county [or other jurisdiction] of —, at the petty sessions [or, court] holden at —, on the — day of — next, at the hour of — in the — noon, to answer the complaint this day made to me by —, [or, by — on behalf of (naming the local authority, as the case may be)], that in or upon the premises above mentioned [or, in or upon certain premises situate at No. —, in the — street, in the parish of —, or such other description or reference as may be sufficient to identify the premises], in their district, under the Nuisances Removal Act for England, 1855, the following nuisance exists, [describing it, as the case may be], and that the said nuisance is caused by the act or default of the occupier [or, owner] of the said premises, [or, by you, A. B.]. [or in case the nuisance be discontinued, but likely to be repeated, say, there existed recently, to wit, on or about the — day of —, on the premises, the following nuisance, (describe the nuisance), and that the said nuisance was caused (&c.), and although the same has since the last-mentioned day been removed or discontinued, there is reasonable ground to consider that the same or the like nuisance is likely to recur on the said premises.]

Given under the hand of me, J. P., Esq., one of her Majesty's justices of the peace acting in and for the [jurisdiction] stated in the margin, [or, one of the magistrates of the police courts of the metropolis, or, stipendiary magistrate of —], on the — day of —, in the year of our Lord 18—.

## FORM (E.)

## Order of Justices for Removal of Nuisances by Owner, &amp;c.

To the owner [or, occupier] of [describe the premises], situate [give such description as may be sufficient to identify the premises], [or, to A. B., of —, or, to (giving the name of the local authority)], or to their servants or agents, and to all whom it may concern.

County of —, [or, Borough, &c. of —, or, District of —, or as the case may be]. Whereas on the — day of — complaint was made before —, Esq., one of her Majesty's justices of the peace acting in and for the county [or other jurisdiction] stated in the margin, [or, before the undersigned, one of the magistrates of the police courts of the metropolis, or as the case may be], by [or, by — on behalf of (the local authority, naming it, as the case may be)], that in or upon certain premises situate at —, in the district under the Nuisances Removal Act for England, 1855, of the complainants above named, the following nuisance then existed [describing it], and that the said nuisance was caused by the act or default of the owner [or, occupier] of the said premises [or, was caused by A. B.], [if the nuisance have been removed, say, the following nuisance existed on or about (the day the nuisance was ascertained to exist), and that the said nuisance was caused (&c.), and although the same is now removed, the same or the like nuisance is likely to recur on the same premises]:

And whereas —, the owner [or, occupier] within the meaning of the said Nuisances Removal Act, 1855, [or, the said A. B.], hath this day appeared before us justices, being two of her Majesty's justices in and for —, sitting in petty sessions at their usual place of meeting [or, before me, the said magistrate of the police courts of the metropolis, or as the case may be], to answer the matter of the said complaint, [or in case the party charged do not appear, say, And whereas it hath been this day proved to our (or, my) satisfaction that a true copy of a summons requiring the owner (or, occupier) of the said premises (or, the said A. B.) to appear this day before us (or, me) hath been duly served according to the said act]:

Now, upon proof here had before us [or, me] that the nuisance so complained of doth exist on the said premises, and that the same is caused by the act or default of the owner [or, occupier] of the said premises, [or, by the said A. B.], we,

[or, I], in pursuance of the said act, do order the said owner [or, occupier, or, A. B.] within [specify the time] from the service of this order, or a true copy thereof, according to the said act, [here specify the works to be done, as, for instance, to cleanse, whitewash, purify, and disinfect the said dwelling-house; or, for further instance, to construct a privy or drain, &c.; or, for further instance, to cleanse, or to cover, or to fill up the said cesspool, &c.], so that the same shall no longer be a nuisance or injurious to health, as aforesaid.

And if it appear to the justices that the nuisance is likely to recur on the premises, say, And we [or, I] being satisfied that, notwithstanding the said cause or causes of nuisances may be removed under this order, the same is or are likely to recur, do therefore prohibit the said owner [or, occupier, or, A. B.] from [here insert the matter of the prohibition, as, for instance, from using the said house or building for human habitation until the same, in our judgment, is rendered fit for that purpose.]

And if the above order for abatement be not complied with, [or, if the above order of prohibition be infringed], then we [or, I] do authorise and require you, the said [local authority, naming it], from time to time to enter upon the said premises, and to do all such works, matters, and things as may be necessary for carrying this order into full execution, according to the act aforesaid.

In case the nuisance were removed before complaint, say, Now, upon proof here had before us, that at or recently before the time of making the said complaint, to wit, on —, as aforesaid, the cause of nuisance complained of did exist on the said premises, but that the same hath since been removed, yet, notwithstanding such removal, we [or, I] being satisfied that it is likely that the same or the like nuisance will recur on the said premises, do hereby prohibit, [order of prohibition]; and if this order of prohibition be infringed, then we [or, I] [order on local authority to do works.]

Given under the hands and seals of us, two of her Majesty's justices of the peace in and for — [or, the hand and seal of me, one of the magistrates of the police courts of the metropolis, or as the case may be], this — day of —, in the year of our Lord 18—.

## FORM (F.)

## Order of Justices for Removal of Nuisance by Local Authority.

To the Town Council [&c., as the case may be.] County, &c., Whereas [recite complaint of nuisance, as in to wit. last Form]:

And whereas it hath been now proved to our [or, my] satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person causing the nuisance, is known [or, can be found, as the case may be]: now we [or, I], in pursuance of the said act, do order the said [local authority, naming it] forthwith to [here specify the works to be done.]

Given &c.

## FORM (G.)

## Order to permit Execution of Works by Owners.

County of —, [or, Borough of —, or, Metropolitan Police District, or as the case may be], to wit. Whereas complaint hath been made to me, E. F., Esq., one of her Majesty's justices of the peace in and for the county [or, borough, &c.] of —, [or, one of the magistrates of the police courts of the metropolis, or as the case may be, or, one of her Majesty's justices of the peace, as the case may be, of the county of —], by A. B., owner, within the meaning of the Nuisances Removal Act for England, 1855, of certain premises, to wit, a dwelling-house, [or, building, or as the case may be], situate at [insert such a description of the premises as may be sufficient to identify them], in the parish of —, in the said county, [or, borough, &c.], that C. D., the occupier of the said premises, doth prevent the said A. B. from obeying and carrying into effect the provisions of the said act, in this, to wit, that he, the said C. D., [here describe the act of prevention generally, according to the circumstances; for instance, thus, doth refuse to quit the said house, the same having, by the order of justices, been declared unfit for human habitation, or, doth prevent the said A. B. from cleansing, or whitewashing, or purifying the said dwelling-house, or erecting a privy or drain, or breaking an aperture for ventilation, or cleansing a drain, ditch, gutter, watercourse, privy, urinal, cesspool, or ashpit which is a nuisance]

sance or injurious to health]: and whereas the said C. D. has been summoned to answer the said complaint, and has not shown sufficient cause against the same, and it appears to me that [describe the act or works to be done] is necessary for the purpose of enabling the said A. B. to obey and carry into effect the provisions of the said act, I do hereby order that the said C. D. do permit the said A. B. [describe the act or works to be done] in the manner required by the said act.

Given under my hand and seal this — day of —, in the year of our Lord 18—.

E. F., (L.S.)

#### FORM (H.)

#### Summons for Non-payment of Costs, Expenses, or Penalties. (Sect. 20).

To —, [describe the person from whom the costs, expenses, and penalties are due.]

County of —, [or, ] You are required to appear before Borough of —, } two of her Majesty's justices of the  
or, District of } peace [or, one of the magistrates  
—], to wit. } of the police courts of the metropolis, or, the stipendiary magistrates] of the county [or other jurisdiction] of —, at the petty sessions [or, court] holden at —, on the — day of — next, at the hour of — in the — noon, to answer the complaint this day made to me by — [or, by — on behalf of (naming the local authority)], that the sum of — pounds, being costs and expenses incurred by you under and in relation to a certain complaint touching [describe the nuisance], and an order of [describe the person making the order] duly made in pursuance of the Nuisances Removal Act for England, 1855, [if penalties are due, add, and also the sum of —, being the amount of penalties payable by you for disobedience of the said order] remains unpaid and due from you.

Given under the hand of me, J. P., Esq., one of her Majesty's justices of the peace acting in and for the [jurisdiction stated in the margin], [or, one of the magistrates of the police courts of the metropolis, or, stipendiary magistrate of —], the — day of —, in the year of our Lord 18—.

#### FORM (I.)

#### Order for Payment of Costs, Expenses, and Penalties. (Sect. 20).

To —, [name the person on whom the order is made.]

County, &c., } Whereas complaint has been made before us to wit. } [or, me], for that [recite cause of complaint]:

And whereas the said [naming the person against whom the complaint is made] has this day appeared before us, the said justices, [or, before me, the said magistrate of the police courts of the metropolis, or as the case may be], to answer this matter of the said complaint: [or, in case the party charged do not appear, say],

And whereas it has been this day satisfactorily proved to us [or, me] that a true copy of the summons requiring the said [naming person charged] to appear before us [or, me] this day hath been duly served according to the said act: now, having heard the matter of the said complaint, we [or, I] do adjudge the said [naming the person charged] to pay forthwith [or, by instalments of —, payable respectively on or before the —], to the said [naming the person or local authority to whom the costs adjudged are payable], the sum of — for costs in this behalf, and to [naming the person or authority to whom the expenses are payable] the sum of — for expenses in this behalf, [if penalties are due, add, and the sum of — for penalties incurred in relation to the premises], together with the sum of —, being the charges attending the application for this order and proceedings thereon; and if the said several sums, amounting in the whole to —, [or, if any one of the said instalments], be not paid within fourteen days after the same is due as aforesaid, we [or, I] hereby order that the same be levied by distress and sale of the goods and chattels of the said —; and in default of sufficient distress in that behalf, adjudge the said — to be imprisoned in the common gaol [or, house of correction, as the case may be] at —, in the said county [or as the case may be], for the space of such time, not exceeding three calendar months, as the justices may think fit, unless the said several sums [or, sum], and all costs and charges of the said distress [and of the commitment and

carrying of the said — to the said house of correction, or, common gaol, or as the case may be], shall be sooner paid.

Given under our [or, my] hands this — day of —, in the year of our Lord 18—, at —, in the [county, or as the case may be] aforesaid.

#### FORM (K.)

#### Warrant of Distress. (Sect. 20).

To the constable of —, and to all other peace officers in the said county, [or as the case may be.]

Whereas on — last past complaint was made before the undersigned, two of her Majesty's justices of the peace in and for the said county of — [or as the case may be] [or, a magistrate of the police courts of the metropolis, or, stipendiary magistrate, as the case may be], for that [&c., as in the order]; and thereupon, having considered the matter of the said complaint, we [or, I] adjudged the said — [set out from Form (K.) the adjudication of payment, and the order for distress, and for imprisonment in default of distress]: and whereas the time in and by the said order appointed for the payment of the said several sums of — and — hath elapsed, but the said — hath not paid the same or any part thereof within fourteen days after the date fixed by the order for such payment, but therein hath made default: these are therefore to command you in her Majesty's name forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of — days after the making of such distress the said last-mentioned sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale over to the clerk of the justices of the peace for the division of —, in the said county, [or as the case may be], that he may pay and apply the same as by law directed, and may render the overplus, if any, on demand, to the said —; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under our [or, my] hands and seal this — day of —, in the year of our Lord 18—, at —, in the [county] aforesaid.

(L.S.)

A. B.  
C. D.

#### FORM (L.)

#### Return of Proceedings under Nuisances Removal Act, 1855, by the [name the local authority at length.]

From the 25th March, 1855, to the 25th March, 1856.

Date of Notice.	By whom given.	Nature of Nuisance.	Proceedings taken.	Remarks:—With any special Work done under the Act, without any Notice.
April 16	The Inspector.	Foul drainage from house.	Owner put down good drain, on summons, without justices' order.	Several houses being in a like position, the highway surveyor laid down a sewer in the old water-course, and each house was charged a proportionate sum for the same, of which the highest sum was 10s.
April 18	Two neighbours.	Offensive cesspool.	Abated by local authority.	Renewed once; but penalty recovered, and no subsequent renewal attempted.

Dated this 26th day of March, 1856. [To be signed by the chairman of the local authority.]

#### CAP. CXXII.

An Act to amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood. [14th August, 1855.]

Sect. 1. Short title.

2. Commencement of act.

3. Interpretation of certain terms in this act.

4. Act to extend to all places within limits defined by the 18 & 19 Vict. c. 120.

5. Division of act.

6. Buildings, &c. herein named exempt from operation of Part I of this act.

7. Application of act, except exemptions before mentioned.
8. Building, when deemed to be new.
9. Alterations of and additions to old buildings.
10. Rebuilding old buildings.
11. Division of old buildings separated by irregular partitions.
12. Structure and thickness of walls.
13. Rules as to recesses and openings.
14. As to timber in external walls.
15. Rules as to bressummers.
16. Height and thickness of parapets to external walls.
17. Height of party walls above roof.
18. As to chases in party walls.
19. As to construction of roofs.
20. Rules as to chimnies and flues.
21. Rules as to close fires and pipes for conveying vapour, &c.
22. Rules as to accesses and stairs in certain buildings.
23. Rules as to habitable rooms.
24. As to party arches over public ways.
25. As to arches under public ways.
26. Rules as to projections.
27. Rules as to the separation of buildings, and limitation of their areas.
28. Rules as to uniting buildings.
29. As to open spaces near dwelling-houses.
30. Construction of public buildings.
31. Buildings to be supervised by district surveyors.
32. Power to metropolitan board of works established under the 18 & 19 Vict. c. 120.
33. Examination by Institute of British Architects.
34. District surveyor to have and maintain an office.
35. District surveyor may appoint deputy, with consent.
36. Assistant surveyor may be appointed on emergency.
37. District surveyor not to act in case of works under his professional superintendence.
38. Notices to be given to district surveyor by builder.
39. District surveyor to cause rules of this act to be observed.
40. Notice to be evidence of intended works.
41. Penalty on builders neglecting to give notice.
42. District surveyor may enter and inspect buildings affected by this act. Penalty for refusal.
43. District surveyor may enter buildings to ascertain as to exempted buildings.
44. In case of emergency, works may be commenced without notice.
45. Notice by district surveyor in case of irregularity.
46. On non-compliance with notice, justice to summon builder, and make order to comply with requisition.
47. Penalty on non-compliance with order of justice.
48. Penalty on workmen, &c. doing anything contrary to rules of act.
49. Payments to district surveyors in respect of matters in first part of second schedule.
50. Metropolitan board may appoint special fees for services not provided for.
51. Periods when surveyors entitled to fees.
52. District surveyor to make monthly returns to metropolitan board of works.
53. Return duly signed to be a certificate that works are agreeable to act.
54. Superintending architect to audit accounts of fees charged by district surveyors, and to report in case of excess.
55. Power for metropolitan board of works to modify rules.
56. Buildings to which rules of act are inapplicable.
57. Power of metropolitan board to make general rules.
58. Approval of board, how signified.
59. Board to issue forms of notices.
60. Expenses of orders to be borne by builders.
61. District surveyor to see plans carried into execution.
62. Power to metropolitan board to appoint superintending architect and clerks.
63. Superintending architect may appoint deputy, with consent.
64. Salaries to architects and clerks.
65. Power of metropolitan board to pay salaries.
66. Monies received by superintending architect to be paid to the metropolitan board.
67. Metropolitan board may pay salaries out of rates.
68. Expenses, how borne.
69. Survey to be made of dangerous structures. 8 & 9 Vict. c. 84, s. 40.
70. Definition of "commissioners."
71. Surveyor on completion of survey to give certificate.
72. Proceedings to be taken in respect of certificate.
73. On non-compliance with notice, justice to summon owner, &c., and make order to comply with requisition.
74. If owner cannot be found, commissioners may sell structure, giving the surplus to owner, &c.
75. Payments by or to the commissioners, how made.
76. Surplus, how to be applied if no demand made for it.
77. Fees to district surveyor.
78. Metropolitan board may appoint special fees for services not provided for.
79. Fees to be deemed part of expenses.
80. Justice of peace may cause inmates to be removed from dangerous structures.
81. Powers of commissioners to appoint officers.
82. Definition of building owner and adjoining owner.
83. Right of building owner.
84. Rights of adjoining owner.
85. Rules as to exercise of rights by building and adjoining owners.
86. Power for building owner to make entry on premises to effect works. Penalty on persons obstructing.
87. Security to be given by building owner, if required by adjoining owner.
88. Rules as to expenses in respect of party structure.
89. Account of expenses of works to be delivered to adjoining owner within one month.
90. Adjoining owner may appeal against account.
91. Building owner may recover, if no appeal made.
92. Penalty on delay of payment by adjoining owner.
93. As to expenses incurred on requisition of adjoining owner.
94. Penalty on building owner failing to execute the required works.
95. Consent how given on behalf of persons under disability.
96. Consent how given on behalf of persons not to be found.
97. Payment of expenses by owners.
98. Rules as to service of notices, summonses, and orders.
99. As to things authorised to be done by a county court.
100. Manner of determining differences.
101. Form of proceedings in county court.
102. Appeal from decision of county court.
103. Recovery of penalties.
104. Application of penalties.
105. Provisions as to limitation of time when due notice has not been given.
106. Power to appeal to superior courts.
107. Form of appeal.
108. Notice of action.
109. Repeal of the 8 & 9 Vict. c. 84, except sects. 54 to 63, and 9 & 10 Vict. c. 5.
110. As to contracts made previously to the passing of the act.
111. Liabilities under contract between landlord and tenant not to be affected.
112. As to iron buildings constructed before this act comes into operation.
113. Compensation to official referees and registrar.
114. Compensation to clerks in office of metropolitan buildings.

#### CAP. CXXIII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Serjeant Majors of the Militia; and to authorise the Employment of the Non-commissioned Officers.

[14th August, 1855.]

#### CAP. CXXIV.

An Act to amend the Charitable Trusts Act, 1853.

[14th August, 1855.]

Sect. 1. *The 16 & 17 Vict. c. 137, and this act to be construed together.*

2. *Provision as to the salary of one of the commissioners repealed.*

3. *Power to appoint additional inspectors.*
4. *The acts of the board, how to be authenticated.*
5. *Entries in and extracts from the books of the board, how to be authenticated.*
6. *The powers of the commissioners and inspectors to inquire into charities extended.*
7. *Power to require trustees and others to attend and be examined.*
8. *Precepts or orders for the preceding purposes, how to be made.*
9. *Persons not complying with requisitions, &c. to be deemed guilty of a contempt of the Court of Chancery.*
10. *Power to apportion parochial charities after division of parishes.*
11. *Evidence as to annual income of any charity not exceeding 30l.*
12. *The official trustees of charitable funds may be empowered to call for transfers to them of stock, &c.*
13. *Notices to be given of certain orders of the board.*
14. *Proceedings upon the receipt of objections or suggestions.*
15. *The official trustee of charity lands constituted.*
16. *Power to acting trustees to grant leases.*
17. *Appointments of official trustees of charitable funds regulated.*
18. *Such trustees to have perpetual succession, and may hold funds in that name.*
19. *Funds to vest in the official trustees for the time being.*
20. *The official trustees to keep banking account.*
21. *Mode of drawing on banking account.*
22. *Trustees may transfer stock to official trustees.*
23. *As to disposal of principal monies paid to them.*
24. *All dividends and interest due to the official trustees of charitable funds to be placed to their banking account.*
25. *For the regulation of transfers and payments to or by the official trustees.*
26. *Copies of orders affecting the account of the official trustees to be sent to the board.*
27. *Indemnity to the Bank and others.*
28. *Dividends on stock in name of official fund trustees to be carried to account free from income tax.*
29. *Restrictions of charges and leases of charity estates.*
30. *Sinking fund to be provided for paying off mortgages in lieu of provision in mortgage deeds.*
31. *Extension of power of board as to compromise of claims.*
32. *Board may authorise payment for equality of exchange or partition.*
33. *Power to ascertain lands charged with rents to charities.*
34. *Expenses of exchanges and partitions, and determining application of charges.*
35. *Incorporated charities and trustees for charities may re-invest in land.*
36. *Order of board for investments to be carried into effect, and cost to be raised.*
37. *Board may direct official trustees to convey lands, &c.*
38. *Leases, &c. to be valid, notwithstanding disabling acts.*
39. *Board may approve schemes for letting charitable property.*
40. *Power to refer bills of costs in charity matters to taxation.*
41. *Construction of sect. 27 of the 16 & 17 Vict. c. 137.*
42. *Deeds, &c. relating to charities may be enrolled at the office, and copies to be evidence.*
43. *Construction of sects. 55 and 59 of the 16 & 17 Vict. c. 137.*
44. *Amendment of sect. 61 of the 16 & 17 Vict. c. 137, and other provision made as to the annual returns of accounts by trustees of charities.*
45. *Board may make orders as to delivery and publication of account by trustees, &c.*
46. *Application of sect. 64 of the 16 & 17 Vict. c. 137.*
47. *Acts not to apply to Roman Catholic charities until the 1st September, 1856.*
48. *As to the term "charity."*
49. *Act not to extend to Eton or Winchester.*
50. *Short title.*

Whereas it is expedient to extend and amend the Charitable Trusts Act, 1853, as hereinafter provided: be it therefore enacted &c. as follows:—

Sect. 1. The Charitable Trusts Act, 1853, hereinafter called "the principal act," and this act, shall be construed together as one act, and any provisions of the principal act inconsistent with this act are hereby repealed.

2. So much of the principal act (sect. 4) as provides that after the 31st March, 1857, an annual salary shall be paid to one only of the commissioners besides the chief commissioner, is hereby repealed.

3. It shall be lawful for her Majesty and her successors, under the royal sign-manual, to appoint additional inspectors (not exceeding three in number) for the purposes of this act and the Charitable Trusts Act, 1853, and such additional inspectors shall hold office during pleasure, and shall be possessed of the same powers, authorities, and jurisdiction, and be entitled to the same privileges and emoluments, as the inspectors appointed under the said former act of 1853.

4. Every act of the board may be sufficiently authenticated by the seal of the commissioners, and the signature of their secretary, or, in his absence, of the chief clerk.

5. All orders, certificates, schemes, and other documents issued under the seal of the board shall be deemed and taken to be the originals, and copies thereof shall be entered in the books of the board, and all such entries may be sufficiently certified by the signature of the secretary, or, in his absence, of the chief clerk: every order, certificate, scheme, and other document purporting to be sealed with the seal of the board shall be received in evidence without further proof; and any writing purporting to be a copy extracted from the said books, and to be certified as aforesaid, shall be received in evidence in like manner.

6. The board, or any commissioner or inspector, such inspector acting under the authority of the board, may require written accounts and statements and answers to inquiries relating to any charity, or the property or income thereof, to be rendered or made to them respectively by all or any of the following persons; that is to say,

Trustees or persons acting or concerned in the administration of the charity, its property or income, or in the receipt or payment of any monies thereof:

Agents of any such trustees or persons:

Depositories of any funds or monies of the charity:

Persons in the beneficial receipt of any funds thereof, or of any income or stipend therefrom:

Persons having the possession or control of any documents concerning the charity, or any property thereof:

And the board or the commissioner or inspector may require the persons rendering or making any such account, statement, or answer to verify the same by oath or otherwise, and may administer such oath: provided always, that nothing herein contained shall extend to give to the said board or their inspectors any power of requiring from any person holding or claiming to hold any property whatsoever adversely to any charity, or free or discharged from any charitable trust or charge, any information, or the production of any deed or document whatever, in relation to the property so held or claimed adversely, or any charitable trust or charge alleged to affect the same.

7. The board, or any commissioner or inspector acting as aforesaid, may require all or any such trustees and persons as aforesaid to attend before them respectively, at such times and places as may be reasonably appointed, for the purpose of being examined in relation to the charity, and to answer such questions as may be proposed to them, and to produce upon such examination any documents in their custody or power relating to the charity or the property thereof, and may examine upon oath or otherwise all such persons and all persons voluntarily attending, and may administer such oath: provided always, that no person shall be obliged to travel, in obedience to any such requisition, more than ten miles from his place of abode.

8. All requisitions made under the foregoing authorities shall be made respectively by the order of the board, or by precept, under the hand of the commissioner or inspector making the same.

9. Any person refusing or wilfully neglecting to comply with any such requisition, or with any order of the board, made under the provisions of this act or the principal act, or destroying or withholding any document required to be produced or transmitted by him, shall be taken to be guilty of a con-



tempt of the High Court of Chancery, and shall be liable to be attached and committed by such court, on summary application by the commissioners to the same court or to any judge thereof, and shall pay such costs attending such contempt as the said court or judge shall direct: provided always, that the court may at any time discharge, on such terms as it may deem just, any person attached or committed on any such application, or on any application made under sect. 14 of the principal act.

10. Where any parish or ecclesiastical district entitled to the benefit of a charity has or shall have been divided into separate parishes or ecclesiastical districts, and no apportionment of charities originally applicable to the parish or district so divided shall have been made by Parliament or other competent authority, the board, in respect of all charities the gross annual income whereof does not for the time being exceed 30*l.*, may apportion the benefit of the charity between each new parish or district, or any portion thereof taken from the parish or district originally entitled to the whole benefit, and the remainder of such last-mentioned parish or district, in such manner and such proportions as, upon a consideration of the purposes of the charity, the population of each parish or district, and other circumstances, they may think fit, and may also apportion the principal endowments between such parishes or districts, if it be thought fit, and may appoint separate trustees of any part of the endowments.

11. The certificate of the board, that according to their judgment the gross yearly income of any charity does not for the time being exceed 30*l.*, shall be sufficient evidence of the amount of such annual income for the purpose of determining the jurisdiction under the foregoing provision.

12. Any court or judge having jurisdiction to order the transfer of stock in the public funds, or stock or shares of any public company, to the official trustees of charitable funds, shall have power also to authorise such trustees to call for a transfer of and to transfer such stock or shares, and may also order the payment to the same trustees of any principal monies of any charity, under the same circumstances in which the transfer of stock to them may now be ordered.

13. No order for apportioning the benefits of any charity shall be made by the board until after such public notices shall have been given of the proposal to make the same as the board may consider expedient for insuring publicity in each parish or district in which the charity is or ought to be applied, or among all persons interested therein, nor until after the expiration of one month from the publication of such notice; and every such notice shall contain (so far as conveniently may be) sufficient particulars of the proposed order to shew the objects thereof, and shall prescribe a time within which any objections thereto may be stated or transmitted to the board.

14. All objections which may be made to any proposed order shall be considered by the board, who may suspend the making thereof for further inquiry, or may modify the same, as may be found expedient; and a copy of every such order when made shall, in the case of any local charity, be deposited for the space of one month in some convenient place within the parish or one of the parishes or the district in which the charity is applicable, and also be open to inspection at the office of the commissioners, and such publicity shall be given thereto among all persons interested in the charity as the board shall consider expedient; or if the charity be not local, then a copy of such order shall be open to inspection at the office of the commissioners, and public notice thereof shall be given in such manner as to the board shall seem fit; and in cases where there is a special visitor, notice shall be given to him.

15. The secretary for the time being of the board shall be a corporation sole, by the name of the "Official Trustees of Charity Lands," for taking and holding charity lands, and by that name (instead of the name of "Treasurer of Public Charities") shall have perpetual succession; and all land, or estates or interests in land, now vested in the "Treasurer of Public Charities" by that name, shall become, upon the passing of this act, and by virtue thereof, vested in like manner, and upon the same trusts, in the "Official Trustee of Charity Lands;" and all provisions of the principal act which have reference to the "Treasurer of Public Charities" shall operate as if the name of the "Official Trustee of Charity Lands" had been used therein instead of the name of "Treasurer of Public Charities."

16. The acting trustees of every charity, or the majority of them, provided that such majority do not consist of less than

three persons, shall have at law and in equity power to grant all such leases or tenancies of land belonging thereto, and vested in the official trustee of charity lands, as they would have power to grant in the due administration of the charity if the same land were legally vested in themselves; and all covenants, conditions, and remedies contained in or incident to any lease or tenancy so granted shall be enforceable by and against the trustees or persons acting in the administration of the charity for the time being, and their alienees or assigns, in like manner as if such lands had been legally vested in the trustees granting such lease or tenancy at the time of the execution thereof, and had legally remained in or had devolved to such trustees or administrators for the time being, their alienees or assigns, subject to the same lease or tenancy.

17. The Lord Chancellor may from time to time, by writing under his hand, appoint any persons to be, jointly with the secretary for the time being of the said board, the official trustees of charitable funds, and remove any such trustees; and every such appointment or removal shall be published in the London Gazette.

18. The present official trustees of charitable funds, and their successors to be so appointed, shall have perpetual succession by the name of the "Official Trustees of Charitable Funds," and may hold by that name stock in the public funds, and stock and shares of any public company, securities, and monies, which shall respectively devolve to their successors, the official trustees of charitable funds for the time being, without transfer or assignment.

19. All stock in the public funds vested in the joint names of Henry Morgan Vane, Thomas Hare, and Walker Skirrow, Esqrs., the present official trustees of charitable funds, shall, upon the passing of this act, be transferred by the Governor and Company of the Bank of England from their names to the account of the official trustees of charitable funds.

20. The official trustees of charitable funds shall, for the purposes of their trust, keep a banking account in their official name in the books of the Governor and Company of the Bank of England, and the secretary of the board shall keep separate accounts of the monies held upon such account, and belonging to each separate charity.

21. All orders for payment of any money held upon such banking account shall be signed by one at least of the official trustees of charitable funds, not being the secretary of the board, and also by the secretary, and shall be countersigned by one of the commissioners, or shall be otherwise signed or authenticated in such manner as the Lord Chancellor shall from time to time, by order under his hand, direct; and such orders shall be a sufficient authority to the Bank paying the same for all such payments.

22. Any trustee or other person may, on obtaining an order of the board for the purpose, transfer any stock or pay any money to the official trustees of charitable funds in trust for any charity.

23. All principal monies belonging to any charity directed to be paid to the official trustees of charitable funds shall be paid to their account at the Bank, and, subject to any order of the court or judge or of the board by which respectively the payment shall have been authorised, shall be forthwith invested in the public funds in the names of the official trustees of charitable funds, for the benefit of the charity to which they shall belong.

24. The dividends arising from all stock in the public funds standing in the name of the official trustees of charitable funds shall from time to time be received by the Governor and Company of the Bank of England, under the authority of this act, for the credit of the said official trustees, and shall be placed to their banking account accordingly; and all dividends and interest arising from any other stock, shares, or securities standing in the name of or held by the official trustees of charitable funds shall be paid only to the Governor and Company of the Bank of England for the account of the same trustees; and the said trustees shall from time to time execute to the said Governor and Company all such powers as shall be found necessary for enabling them to receive and give effectual discharges for the last-mentioned dividends and interest.

25. No transfer of any stock, shares, or securities shall be made to the official trustees of charitable funds, nor shall any money other than the dividends or interest of any such stock, shares, or securities as aforesaid be paid to their account, except in pursuance of an order of the Court of Chancery, or of some judge thereof, or of a district court of bankruptcy or

county court, or of the board; and no transfer of any such stock, shares, or securities shall be made by the official trustees, except under the order of such court or judge, or under the order of the board signed by two commissioners, or authenticated in such manner as the Lord Chancellor shall from time to time, by any order under his hand, direct; and no transfer to or by the official trustees shall be permitted by the Governor and Company of the Bank of England, or any other company, contrary to this provision.

26. Copies of all orders made by any court or judge for any transfer, deposit, or payment of stock, shares, securities, or monies to or by the official trustees of charitable funds shall be forthwith transmitted to the board by the parties obtaining such orders.

27. Every order made under the principal act or this act, requiring or authorising the transfer, payment, or deposit of any stock, shares, securities, or monies to or with the trustees of any charity, or the official trustees of charitable funds, or conferring a right to call for or to make such transfer, shall be a complete indemnity to the Governor and Company of the Bank of England, and all companies and persons, for any act done pursuant to such order; and the said Governor and Company, and other companies and persons, shall be required to give effect or to conform to every such order, and it shall not be necessary for them to inquire concerning the propriety of such order, or the jurisdiction of the court or judge or the board to make the same.

28. All dividends arising from any stock in the public funds standing in the name of the official trustees of charitable funds, and which shall be certified by the board to the Governor and Company of the Bank of England to be exempt from the property or income tax, shall be paid or carried to the banking account of the official trustees without any deduction of such tax; and all dividends arising from any stock in the public funds standing in any other names or name, and which the board shall certify to the Governor and Company of the Bank of England to be subject only to charitable trusts, and to be exempt from such tax, shall be paid without any deduction thereof.

29. It shall not be lawful for the trustees or persons acting in the administration of any charity to make or grant, otherwise than with the express authority of Parliament under any act already passed or which may hereafter be passed, or of a court or judge of competent jurisdiction, or according to a scheme legally established, or with the approval of the board, any sale, mortgage, or charge of the charity estate, or any lease thereof in reversion after more than three years of any existing term, or for any term of life, or in consideration, wholly or in part, of any fine, or for any term of years exceeding twenty-one years.

30. So much of sect. 21 of the principal act as requires a compulsory provision to be inserted in every mortgage for the payment of the principal money borrowed by annual instalments, and for the redemption and reconveyance of the mortgaged estates within the period of not more than thirty years, is hereby repealed; but the board authorising any mortgage to be made of any charity estate shall make such provisions, by the same or any other order, as to them may seem necessary for directing the trustees or persons administering the charity to discharge the principal debt, or any part thereof, by such yearly or other instalments, within thirty years from the date of the security, as to the said board may seem fit, or to form an accumulation or sinking fund out of the income of the charity for discharging the principal debt, or any portion thereof, within the same period, and shall give directions as to the investment and accumulation of such fund, and the trustees for the time being, or persons administering the charity, shall carry such order into effect.

31. The 23rd section of the principal act shall extend to authorise a compromise or adjustment of any claim, demand, or cause of suit against any charity, or the trustees or administrators thereof, and the order of the board in relation thereto shall have the like effect as in the case of any compromise or adjustment for which provision is made by the said section.

32. The board may authorise the application of any funds belonging to any charity in payments for equality of exchange or partition, or in payment of any expenses incident thereto, or may authorise the trustees to raise any money for such purposes by mortgage of any land acquired on such exchange or partition, or belonging to the charity.

33. Where there shall be uncertainty as to the specific part of any lands out of which any rent, annuity, or other periodical payment, not exceeding the yearly sum of 10*l.*, charged upon some part of the same lands, for the benefit of a charity, shall be payable, it shall be lawful for the board, upon the application of the trustees or persons acting in the administration of the charity, and with the consent of the persons interested, according to the aforesaid definition of "persons interested," in the same lands, to determine by their order the land charged with such rent, annuity, or other periodical payment, which shall thenceforth stand charged with such rent, annuity, or periodical payment accordingly, to the exoneration of the residue of such lands therefrom.

34. The expenses incident to the application for and procuring of any such order of exchange or partition, or order determining the land charged with any rent, annuity, or periodical payment, shall be paid by the trustees or administrators of the charity, or by the other parties to such transactions, or by both, as the board may direct.

35. Any incorporated charity, or the trustees of any charity, whether incorporated or not, may, with the consent of the board, invest money arising from any sale of land belonging to the charity, or received by way of equality of exchange or partition, in the purchase of land, and may hold such land, or any land acquired by way of exchange or partition, for the benefit of such charity, without any license in mortmain.

36. All orders of the board for the investment of money coming to any charity, or the trustees thereof, on any sale, exchange, or partition, shall be carried into effect by the trustees or persons administering the charity; and all monies which the board shall order to be provided out of any income or property of a charity for the payment of the costs of any such transaction shall be provided or raised by the trustees or administrators of the charity, and applied accordingly.

37. It shall be lawful for the board to authorise or order and direct the official trustees of charity lands and the official trustees of charitable funds respectively to convey lands, and to assign, transfer, and pay over stocks, funds monies, and securities, as the board shall think expedient.

38. All leases, sales, exchanges, partitions, and transactions authorised by the board under the principal act or this act shall be valid and effectual, notwithstanding the act of the 13 Eliz. c. 10, the acts of the 14 Eliz. cc. 11, 14, the acts of the 18 Eliz. cc. 6, 11, the act of the 39 Eliz. c. 5, and the act of the 21 Jac. 1, c. 1, or any disabling act applicable to the charity the estates whereof shall be the subject of any such transaction.

39. It shall be lawful for the board to prepare, and under their seal to approve of, any scheme for the letting of the property or any part of the property of any charity; and all leases granted by any trustees or persons acting in the management of any charity, pursuant to or in conformity with such scheme, shall be valid.

40. The board may order the bill of costs or charges claimed by any attorney or solicitor on account of business conducted or transacted by him on behalf of any charity, or the trustees thereof, to be examined and taxed by the taxing masters of the Court of Chancery, or by the proper taxing officers of any of the superior courts at Westminster, who shall proceed to examine and tax the same bill accordingly; and if the same shall be reduced upon such taxation by the amount of one-sixth part or more of the amount thereof, the costs of the taxation shall be paid by such attorney or solicitor, but otherwise out of the funds of the charity by the trustees thereof; and the board may, after being satisfied as to any bill that it contains exorbitant charges, order any such bill to be so taxed, notwithstanding that the same may have been paid by the trustees of the charity at any period not more than six calendar months previously to such order; and any amount taxed off any such paid bill shall be a debt due from the attorney or solicitor to the trustees of the charity, and shall be forthwith paid by him to such trustees accordingly.

41. Sect. 27 of the Charitable Trusts Act, 1853, shall be construed and operate as if the words "and the trustees of the charity shall be legally authorised to purchase and hold such land" had been omitted therefrom; and incorporated trustees of any charity shall be competent to purchase and hold lands for the purposes mentioned in the same section without license in mortmain.

42. Any deed, will, or document relating to any charity may be enrolled by the board in books to be provided and kept by

them for that purpose at their office, and a copy of any such deed, will, or document made from such books, and certified under the hand of the secretary or one of the commissioners, shall be received as evidence of the contents of the same deed, will, or document.

43. The 55th and 59th sections of the principal act shall be construed and operate as if the words "the office of the board" had been inserted therein in the place of the words "the office in London of the registrar of county courts judgments."

44. Sect. 61 of the Charitable Trusts Act, 1853, except so much thereof as enacts that the trustees or persons acting in the administration of every charity shall, in books to be kept by them for that purpose, regularly enter or cause to be entered full and true accounts of all money received and paid respectively on account of such charity, shall be repealed as to all accounts which such trustees or administrators shall not have been bound to render before the passing of this act; and the trustees or administrators of every charity shall, on or before the 25th March, 1856, prepare and make out and transmit to the board an account of the endowments then belonging to the charity, shewing in the case of realty not in hand the manner in which the same is let or occupied, and in the case of personality the existing investment or employment thereof, and in what names such investments are made; and such trustees or administrators shall also, on or before the 25th March next, after the acquisition of any endowment not included in the foregoing account, prepare and make out in like manner, and transmit to the board, a similar account of such last-mentioned endowment, and in case of any alienation, or charge, or transfer of any real or personal estate of the charity, shall, on or before the 25th March then next following, transmit to the board an account of such alienation, charge, or transfer; and such trustees or administrators shall also, on or before the 25th March in every year, or such other day as may be fixed for that purpose by the board, or as may have been already fixed for rendering the accounts thereof required by the principal act, prepare and make out the following accounts in relation thereto; that is to say,

- (1). An account of the gross income arising from the endowment, or which ought to have arisen therefrom, during the year ending on the 31st December then last, or on such other day as may have been appointed for this purpose by the board;
- (2). An account of all balances in hand at the commencement of the year, and of all monies received during the same year on account of the charity;
- (3). An account for the same period of all payments;
- (4). An account of all monies owing to or from the charity, so far as conveniently may be;

Which accounts shall be certified under the hand of one or more of the said trustees or administrators, and shall be audited by the auditor of the charity, if any; and the said trustees or administrators shall, within fourteen days after the day appointed for making out such accounts, deliver or transmit a copy thereof to the commissioners at their office in London, and in the case of parochial charities shall deliver another copy thereof to the churchwarden or churchwardens of the parish or parishes with which the objects of such charities are identified, who shall present the same at the next general meeting of the vestry of such parishes, and insert a copy thereof in the minutes of the vestry book; and every such copy shall be open to the inspection of all persons at all reasonable hours, subject to such regulations as to the said board may seem fit; and any person may require a copy of every such account, or of any part thereof, on paying therefor after the rate of 2d. for every seventy-two words or figures.

45. The board may from time to time make such orders as they may think fit in relation to the delivery or transmission of the said accounts, and the forms of such accounts, and such orders shall be executed by all trustees and persons from whom the accounts to which they may relate are required.

46. The 64th section of the principal act shall apply as well to members of any charity within the operation of that act as to members of any charity exempted from the operation thereof.

47. Neither this act nor the principal act shall, until the 1st September, 1856, extend or be in any manner applied to charities or institutions the funds or income of which are applicable exclusively for the benefit of persons of the Roman Catholic persuasion, and which are under the superintendence

and control of persons of that persuasion, nor shall anything in this act extend to any of the cases which by the 62nd section of the principal act are excepted from the operation thereof.

48. In the construction of the principal act and this act the word "charity" shall include every institution in England or Wales endowed for charitable purposes, but shall not include any charity or institution expressly exempted from the operation of the act of 1853, and words applying to any person or individual shall apply also to a corporation, whether sole or aggregate.

49. Nothing in this act or the principal act contained shall extend to the colleges of Eton and Winchester, or either of them.

50. This act may be cited as "The Charitable Trusts Amendment Act, 1855."

CAP. CXXV.

An Act to confirm Provisional Orders of the General Board of Health, applying the Public Health Act, 1848, to the Districts of Middlesbrough, Windhill, Christchurch, Keighley, Tunstall, and Toxteth Park, and for Alteration of the Boundaries of the District of Romford. [14th August, 1855.]

CAP. CXXVI.

An Act for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases.

[14th August, 1855.]

- Sect. 1. *Power to justices at petty sessions to punish persons charged with larceny, &c. summarily. If parties accused do not consent, justices to deal with cases as if this act had not passed.*
2. *Justices to ask the accused whether he consents to the charge being summarily determined.*
3. *Persons charged with larceny, &c. may plead guilty before justices in petty sessions, and be sentenced forthwith. Justices to warn the accused that he is not obliged to plead.*
4. *Persons accused may have assistance of counsel, &c.*
5. *Power to remand persons charged to next petty sessions.*
6. *Forfeited recognisances to be transmitted to the clerk of the peace.*
7. *Convictions and other proceedings to be returned to the quarter sessions.*
8. *Justices may order restitution of property.*
10. *Petty sessions to be an open court, and held for petty sessional division.*
9. *The 11 & 12 Vict. c. 43, not to apply to proceedings under this act.*
11. *Effect of conviction.*
12. *Proceedings under this act a bar to further proceedings.*
13. *No conviction to be quashed for want of form.*
14. *Justices may order payment of expenses.*
15. *Town-hall, court-house, &c. of county, city, or borough may be used for petty sessions held under this act.*
16. *Any metropolitan police magistrate or stipendiary magistrate may act alone.*
17. *Nothing to affect provisions of the 10 & 11 Vict. c. 82, and the 13 & 14 Vict. c. 37.*
18. *As to compensation to clerks of peace and other officers.*
19. *Power to increase salary of chief magistrate to a sum not exceeding 1500L.*
20. *Provisions of the 15 & 16 Vict. c. 73, for payment by salary in lieu of fees to clerks of assize for their duties as associates extended to the whole office of clerk of assize, &c.*
21. *So much of the 12 Rich. 2, c. 10, and the 14 Rich. 2, c. 12, &c. as directs payment of wages to justices and their clerks repealed.*
22. *In cases of injuries to property, parties aggrieved may receive compensation, though examined as witnesses.*
23. *Interpretation of terms.*
24. *Extent of act.*

Be it enacted &c. as follows:—

Sec. 1. Where any person is charged before any justices of the peace assembled at such petty sessions as hereinafter provided with having committed simple larceny, and the value of the whole of the property alleged to have been stolen does not, in the judgment of such justices, exceed 5s., or with having attempted to commit larceny from the person, or simple larceny, it shall be lawful for such justices to hear and determine the charge in a summary way, and if the person charged shall confess the same, or if such justices, after hearing the whole case for the prosecution and for the defence, shall find the charge to be proved, then it shall be lawful for such justices to convict the person charged, and commit him to the common goal or house of correction, there to be imprisoned, with or without hard labour, for any period not exceeding three calendar months; and if they find the offence not proved they shall dismiss the charge, and make out and deliver to the person charged a certificate under their hands, stating the fact of such dismissal; and every such conviction and certificate respectively may be in the forms (A.) and (B.) in the schedule to this act, or to the like effect: provided always, that if the person charged do not consent to have the case heard and determined by such justices, or if it appear to such justices that the offence is one which, owing to a previous conviction of the person charged, is punishable by law with transportation or penal servitude, or if such justices be of opinion that the charge is, from any other circumstances, fit to be made the subject of prosecution by indictment, rather than to be disposed of summarily, such justices shall, instead of summarily adjudicating thereon, deal with the case in all respects as if this act had not been passed: provided also, that if upon the hearing of the charge such justices shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, they shall have power to dismiss the person charged, without proceeding to a conviction.

2. Where the justices before whom any person is charged as aforesaid propose to dispose of the case summarily under the foregoing provisions, one of such justices, after the examinations of all the witnesses for the prosecution have been completed, and before calling upon the person charged for any statement which he may wish to make, shall state to such person the substance of the charge against him, and shall then say to him these words, or words to the like effect:—"Do you consent that the charge against you shall be tried by us, or do you desire that it shall be sent for trial by a jury at the sessions or assizes?" (as the case may be); and if the person charged shall consent to the charge being summarily tried and determined as aforesaid, then the justices shall reduce the charge into writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge; and if such person shall say that he is guilty, the justices shall then proceed to pass such sentence upon him as may by law be passed, subject to the provisions of this act in respect to such offence; but if the person charged shall say that he is not guilty, the justices shall then inquire of such person whether he has any defence to make to such charge; and if he shall state that he has a defence, the justices shall hear such defence, and then proceed to dispose of the case summarily.

3. Where any person is charged before any justices at such petty sessions as aforesaid with simple larceny, (the property alleged to have been stolen exceeding in value 5s.), or stealing from the person, or larceny as a clerk or servant, and the evidence, when the case on the part of the prosecution has been completed, is in the opinion of such justices sufficient to put the person charged on his trial for the offence with which he is charged, such justices, if the case appear to them to be one which may properly be disposed of in a summary way, and may be adequately punished by virtue of the powers of this act, shall reduce the charge into writing, and shall read it to the said person, and shall then ask him whether he is guilty or not of the charge; and if such person shall say that he is guilty, such justices shall thereupon cause a plea of guilty to be entered upon the proceedings, and shall convict him of such offence, and commit him to the common goal or house of correction, there to be imprisoned, with or without hard labour, for any term not exceeding six calendar months; and every such conviction may be in the form (C.) in the schedule to this act, or to the like effect: provided always, that the said justices, before they ask such person whether he is guilty or not, shall explain to him that he is not obliged to plead or answer before them at all, and that if he do not plead or an-

swer before them he will be committed for trial in the usual course.

4. In every case of summary proceeding under this act the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

5. Where any person is charged before any justice or justices with any offence mentioned in this act, and in the opinion of such justice or justices the case may be proper to be disposed of by justices in petty sessions under this act, the justice or justices before whom such person is so charged may, if he or they see fit, remand such person for further examination to the next petty sessions, in like manner in all respects as a justice or justices are authorised to remand a party accused under the act passed in the session holden in the 11 & 12 Vict. c. 42, s. 21, or under the Petty Sessions Act, (Ireland), 1851, sect. 14.

6. If any person suffered to go at large, upon entering into such recognisance as the justice or justices are authorised under the last-mentioned act to take on the remand of a party accused, do not afterwards appear pursuant to such recognisance, then the justices before whom he ought to have appeared shall certify (under the hands of two of them) on the back of the recognisance, to the clerk of the peace of the county or place, the fact of such non-appearance, and such recognisance shall be proceeded upon in like manner as other recognisances, and such certificate shall be deemed sufficient *prima facie* evidence of such non-appearance.

7. The justices adjudicating under this act shall transmit the conviction, or a duplicate of a certificate of dismissal, with the written charge, the depositions of the witnesses for the prosecution and for the defence, and the statement of the accused, to the next court of general or quarter sessions for the county or place, there to be kept by the proper officer among the records of the court; and a copy of such conviction, or of such certificate of dismissal, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction or dismissal for the offence mentioned therein in any legal proceeding whatever.

8. It shall be lawful for the justices by whom any person is convicted under this act to order restitution of the property stolen, taken, or obtained by false pretences, in those cases in which the court before whom the person convicted would have been tried but for this act may be by law authorised to order restitution.

10\*. Every petty sessions for the purposes of this act shall be an open public court, and shall be the petty sessions holden for a petty sessional division; and a written or printed notice of the days and hours for holding such petty sessions shall be posted or affixed by the clerk to the justices of petty sessions upon the outside of some conspicuous part of the building or place where the same are held.

9\*. The provisions of the act of the session holden in the 11 & 12 Vict. c. 43, shall not be construed as applying to any proceeding under this act.

11. Every conviction by justices in petty sessions under this act shall have the same effect as a conviction upon indictment for the same offence would have had, save that no conviction under this act shall be attended with any forfeiture.

12. Every person who obtains a certificate of dismissal or is convicted under this act shall be released from all further or other criminal proceedings for the same cause.

13. No conviction, sentence, or proceeding under this act shall be quashed for want of form; and no warrant of commitment upon a conviction shall be held void by reason of any defect therein, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

14. Where any charge is summarily adjudicated upon under this act, or an offender is under this act convicted by justices in petty sessions upon a plea of "guilty," it shall be lawful for the justices by whom such charge has been adjudicated upon or offender convicted, upon the request of any person who has preferred the charge or appeared to prosecute or give evidence against the person charged, if such justices think fit so to do, to grant a certificate to such person of the amount of the compensation which such justices may deem reasonable for his expenses, trouble, and loss of time therein, subject nevertheless to the regulations made or to be made as hereinafter men-

tioned; and every such certificate shall, when granted in England, have the effect of an order of court for the payment of the expenses of a prosecution made under the act of the 7 Geo. 4, c. 64, and the acts amending the same, and when granted in Ireland shall have the effect of an order of court for the payment of the expenses of a prosecution made under the act of the 55 Geo. 3, c. 91, and the acts amending the same; and the amount mentioned in such certificate shall be paid in like manner as the money mentioned in such order of court; and all certificates to be granted under this act shall be subject to the like regulations made or to be made in relation thereto as the certificates mentioned in the said act of the 7 Geo. 4, c. 64, to be granted by examining magistrates, are or may be subject to under the act of the session holden in the 14 & 15 Vict. c. 55: provided also, that the amount of the fees payable to the clerks of the magistrates in petty sessions, in respect of any proceeding under this act, and of the fees payable to the clerks of the peace for filing the depositions, conviction, or certificate of dismissal aforesaid, and of all such expenses of apprehending the person charged, and detaining him in custody, and of such other expenses as are now by law payable when incurred before a commitment for trial, may be added to the certificate for compensation aforesaid, and paid in the like manner.

15. In every city, borough, town, or place in England where any petty sessions shall be holden under this act, the town-hall, court-house, or other public building therein belonging to any county, city, borough, town, or place, or any court-house in such city, borough, town, or place provided by the Commissioners of her Majesty's Treasury, under the act of the session holden in the 9 & 10 Vict. c. 95, may be used for the purpose of holding such petty sessions, without any charge for rent or other payment, save and except the reasonable and necessary charges for lighting, warming, and cleaning, when such public building is used for the purpose of holding such courts of petty sessions, and for all other expenses necessarily incidental to the use of the said building for the purposes of the said courts: provided always, that the necessary arrangements shall be made so that the sittings of the said courts of petty sessions shall not interfere with the business of the county, city, borough, town, or place, or other business usually transacted in such town-hall, court-house, or other public building, or any purpose for which any such town-hall, court-house, or other public building may be used by virtue of any act of Parliament in that behalf.

16. Any one of the magistrates appointed to act at any of the police courts of the metropolis, and sitting at a police court within the metropolitan police district, or any magistrate appointed to act at the police courts of the Dublin metropolitan district, and sitting at a police court within the said district, or any stipendiary magistrate appointed for any city, town, liberty, borough, or district, and sitting at a police court or other place appointed in that behalf, may, in the case of persons charged before such magistrate, do alone all acts by this act authorised to be done by justices of the peace in petty sessions, and all the provisions of this act referring to justices in petty sessions shall be read and construed as referring also to such magistrate.

17. Nothing in this act shall affect the provisions of the act of the session holden in the 10 & 11 Vict. c. 82, "for the more speedy Trial and Punishment of Juvenile Offenders," or of the act of the session holden in the 13 & 14 Vict. c. 37, "for the further Extension of Summary Jurisdiction in Cases of Larceny," or of the Summary Jurisdiction (Ireland) Act, 1851; and this act shall not extend to persons punishable under the said acts, so far as regards offences for which such persons may be punished thereunder.

18. And whereas the fees and emoluments of clerks of the peace for counties and boroughs, and of other officers of the courts of quarter sessions, in criminal proceedings, may be seriously diminished by the operation and effect of this act, and it is just and reasonable that full compensation for any such loss should be made in respect thereof to such clerks of the peace and other officers appointed before the passing of this act: be it enacted, that immediately after the passing of this act the Commissioners of her Majesty's Treasury shall, upon the application of any such clerk of the peace or other officer, by such means and in such manner as they may think proper, inquire into and ascertain the annual amount, to be computed upon an average of five years immediately preceding the passing of this act, or of such shorter period as such clerk

of the peace or other officer shall have been in office, of the fees and emoluments in criminal prosecutions received by such clerk of the peace or other officer: and the said commissioners shall, upon the like application, also ascertain, in such manner as they may think proper, the total amount of fees and emoluments in criminal prosecutions received by such clerk of the peace or other officer during any year after the passing of this act; and the said commissioners are hereby authorised and empowered, by warrant under their hands, to award to such clerk of the peace or other officer the deficiency, when and so often as the same shall occur, between the last-mentioned amount and the annual average amount so ascertained as aforesaid, and the sum so awarded shall be paid out of any monies which may be provided by Parliament for that purpose; provided, that in all cases where any such clerk of the peace, by reason of his being paid by salary, under an order made by virtue of the 14 & 15 Vict. c. 55, shall pay such fees and emoluments as aforesaid to the treasurer of the county or borough for which he is clerk of the peace in aid of the county or borough rate, as the case may be, such deficiency, when so ascertained as aforesaid, shall be paid to the treasurer of such county or borough respectively.

19. And whereas, by sect. 9 of the 2 & 3 Vict. c. 71, provision is made for payment, out of the monies in the hands of the receiver of the metropolitan police district, of such salaries as her Majesty shall direct, to the magistrates of the police courts of the metropolis, the salary to the chief magistrate not being more than 1200*l.*, and to each of the other magistrates not more than 1200*l.*: and whereas, after the passing of the said act, the salary of the chief magistrate was fixed at 1200*l.*, and the salaries of the other police magistrates at 1000*l.*: and whereas the duties of the said chief and other magistrates have increased, and are subject under this act to be further increased: and whereas the salaries of such other magistrates have, in consequence of such increase of duty, been increased from 1000*l.* to the limit permitted by the said act, and it is expedient to authorise such increase of the salary of the said chief magistrate as hereinafter mentioned: the salary to be paid out of the monies aforesaid to the said chief magistrate shall be such yearly sum, not exceeding 1500*l.*, as her Majesty may direct.

20. And whereas, by the act of the 15 & 16 Vict. c. 73, certain powers were granted and provisions made for the payment to the several clerks of assize of annual sums for salaries, and for the expenses of their office, in respect of their duties as associates, in lieu of the fees and emoluments appertaining to those duties: and whereas it is expedient that the principle of payment by salary in lieu of fees should be further provided for, and that the clerks of assize should be so paid for the performance of all their other duties: be it therefore enacted, that all fees and emoluments heretofore payable to the clerks of assize for the performance of their duties as clerks of the Crown shall be and they are hereby abolished; and all the powers and provisions made by the before-mentioned act, except as is hereinafter provided, for the payment of clerks of assize by salary in lieu of fees, in respect of their duties as associates, shall be and the same are hereby extended and made applicable to the payment of clerks of assize by salary, and the expenses of their offices, in lieu of fees and emoluments, for the performance of their duties as clerks of the Crown, and of all other duties appertaining to the office of clerk of assize: provided always, that the Commissioners of her Majesty's Treasury for the time being shall fix and determine the amount of salary to be allowed to any subordinate officer now employed or who shall hereafter be employed by any clerk of assize, and shall be empowered to order the payment of such salary to the said officers in the first instance, and not through the medium of the clerk of assize: provided also, that the salaries and expenses of the officers of the said clerks of assize for the whole of their duties on the criminal and civil sides of the court shall be paid out of any monies which may be provided by Parliament for that purpose.

21. And whereas, by the acts of the 12 Rich. 2, c. 10, and 14 Rich. 2, c. 12, payments are provided for justices of the peace and their clerks in each county, as wages by the day for the time of their sessions, to be payable by the sheriff as therein mentioned, and in several counties in England sums are claimed from the sheriffs and paid in respect of such statutory wages, and it is expedient that such payments should be discontinued: be it therefore enacted, that so much of the several acts of the 12 Rich. 2, c. 10, and the 14 Rich. 2, c. 12, or of any other

act now in force, as directs or authorizes the payment of wages to justices of the peace and their clerks for the time of their sessions, shall be repealed.

22. And whereas it is expedient to amend the law as to witnesses in cases of wilful or malicious injuries to property: he it further enacted, that in all cases where any justice or justices of the peace have or shall hereafter have power to order a sum of money to be forfeited and paid to the party aggrieved, as amends or compensation for any injury to property, real or personal, the right of such party to receive the money so ordered to be paid shall not be affected by such party having been examined as a witness in proof of the offence, any law or statute to the contrary notwithstanding.

23. In the interpretation of this act "county" shall be construed to include riding, parts, liberty, and division of a county; "borough" to include city, county of a city or towns, and town corporate; "property" to include everything included under the words "chattel, money, or valuable security," as used in the act of the session holden in the 7 & 8 Geo. 4, c. 29; and in the case of any "valuable security," the value of the share, interest, or deposit to which the security may relate, or of the money due thereon or secured thereby, and remaining unsatisfied, or of the goods or other valuable thing mentioned in the warrant or order, shall be deemed to be the value of such security.

24. This act shall not extend to Scotland.

### SCHEDULE.

#### FORM (A.)

##### Conviction.

\_\_\_\_\_, } Be it remembered, that on the \_\_\_\_ day of \_\_\_\_\_, to wit. } in the year of our Lord \_\_\_\_\_, at \_\_\_\_\_, in the said [county], A. B., being charged before us, the undersigned, \_\_\_\_\_ of her Majesty's justices of the peace for the said [county], and consenting to our deciding upon the charge summarily, is convicted before us, for that [he, the said A. B., &c., stating the offence, and the time and place when and where committed]; and we adjudge the said A. B., for his said offence, to be imprisoned in the [house of correction] at \_\_\_\_\_, in the said [county], [and there kept to hard labour], for the space of \_\_\_\_\_.

Given under our hands and seals the day and year first above mentioned, at \_\_\_\_\_, in the [county] aforesaid.

J. S. (L. s.)  
H. M. (L. s.)

#### FORM (B.)

##### Certificate of Dismissal.

\_\_\_\_\_, } We, \_\_\_\_\_ of her Majesty's justices of the peace for to wit. } the [county] of \_\_\_\_\_, certify, that on the \_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_, at \_\_\_\_\_, in the said [county], A. B. being charged before us, and consenting to our deciding upon the charge summarily, for that [he, the said A. B., stating the offence charged, and the time and place when and where alleged to be committed], we did, having summarily adjudicated thereon, dismiss the said charge.

Given under our hands and seals this \_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, in the [county] aforesaid.

J. S. (L. s.)  
H. M. (L. s.)

#### FORM (C.)

##### Conviction upon a Plea of Guilty.

\_\_\_\_\_, } Be it remembered, that on the \_\_\_\_ day of \_\_\_\_\_, in to wit. } the year of our Lord \_\_\_\_\_, at \_\_\_\_\_, in the said [county], A. B. being charged before us, the undersigned, \_\_\_\_\_ of her Majesty's justices of the peace for the said [county], for that [he, the said A. B., &c., stating the offence, and the time and place when and where committed], and pleading guilty to such charge, he is thereupon convicted before us of the said offence; and we adjudge the said A. B., for his said offence, to be imprisoned in the [house of correction] at \_\_\_\_\_, in the said [county], [and there kept to hard labour], for the space of \_\_\_\_\_.

Given under our hands and seals the day and year first above mentioned, at \_\_\_\_\_, in the [county] aforesaid.

J. S. (L. s.)  
H. M. (L. s.)

### CAP. CXXVII.

An Act to make better Provision for the Union of contiguous Benefices, and to facilitate the building and endowing of new Churches in spiritually destitute Districts.

[14th August, 1855.]

Sect. 1. Contiguous benefices may be united under this act, without regard to the aggregate population or yearly value.

2. On representation of inhabitants of any two or more parishes that their benefices might be advantageously united, the bishop shall inquire into the same.

3. Church Building Commissioners may propose scheme for transfer of surplus revenues to poor parishes.

4. Scheme to be posted on church doors, &c. Parties interested may shew cause against scheme. If no sufficient cause shewn, commissioners to certify to Queen in Council. Proviso.

5. Protests against the scheme may be considered by Judicial Committee.

6. Queen in Council may make orders affirming or approving any scheme.

7. Orders in Council to be gazetted and registered, and to have the force of law.

8. Commissioners may propose scheme for erection of new church or parsonage, removal of old church or parsonage, sale of site, &c., for the purposes of this act.

9. No burial ground or site of church to be sold under this act. Vaults and tablets.

10. Church and vestry of church left standing to be the church and vestry of united parishes.

11. Bishop of London may, under certain circumstances, appropriate for service in Welsh one of the churches in London otherwise to be pulled down.

12. Bishop may prepare a scheme for transference of lectures from churches to be pulled down.

13. Commissioners may re-appropriate pews of churches left standing in united benefices.

14. Sites of churches to be pulled down to vest in commissioners, in trust to sell, and apply the proceeds to purposes indicated in Order in Council. Commissioners may make valid conveyances of such sites. Proviso.

15. Commissioners to report.

16. Extent of act.

17. Continuance of act.

### CAP. CXXVIII.

An Act further to amend the Laws concerning the Burial of the Dead in England.

[14th August, 1855.]

Sect. 1. Orders in Council under the recited acts may be varied by like orders.

2. Penalty on persons burying contrary to the provisions of Orders in Council.

3. Power to churchwardens to call vestry meetings for providing burial grounds. Where Order in Council has been made or notice given to apply to the Privy Council for closing burial grounds, churchwardens shall call a meeting of vestry.

4. Vacancies in burial board to be filled up by vestry within a month.

5. Monthly meetings of boards repealed.

6. Sanction of vestry not required for expenditure and other acts of burial board in certain cases.

7. Fees, &c. to be subject to the approval of Secretary of State.

8. Secretary of State may direct inspection of burial grounds. Penalty for obstructing inspector or violating regulations.

9. Part of sect. 24 of the 15 & 16 Vict. c. 85, repealed. Burial ground not to be within 100 yards of a dwelling-house.

10. If ratepayers resolve, land for new burial ground may be conveyed and settled as old burial ground.

11. How burial grounds are to be provided for united parishes.

12. Burial boards may be appointed for township, &c. (not separately maintaining their own poor) which have had separate burial grounds.

13. Provision for expenses of burial boards of places not separately maintaining their own poor.



14. *No obligation to build a chapel for persons not members of the Church of England, when Secretary of State, upon representation of three-fourths of vestry, declares it unnecessary.*
15. *Assessment to local rates not to be increased after purchases for the purposes of this or any former act.*
16. *Separate burial boards whose burial grounds adjoin may contract with each other for specific purposes.*
17. *Burial board may let land not required for burials.*
18. *Burial board to keep in order closed burial grounds, &c.*
19. *Act not to abridge powers of local boards of health, &c.*
20. *Local boards of health to exercise powers of this act.*
21. *Acts to be construed together.*

Whereas an act was passed in the session of Parliament holden in the 15 & 16 Vict. c. 85, "to amend the Laws concerning the Burial of the Dead in the Metropolis;" and an act was passed in the session of Parliament holden in the 16 & 17 Vict. c. 134, "to amend the Laws concerning the Burial of the Dead in England beyond the Limits of the Metropolis, and to amend the Act concerning the Burial of the Dead in the Metropolis;" and an act was passed in the last session of Parliament, the 17 & 18 Vict. c. 87, "to make further Provisions for the Burial of the Dead in England beyond the Limits of the Metropolis;" and whereas it is expedient that further provision should be made for the burial of the dead, and that the said acts should be amended: be it therefore enacted &c. as follows:—

Sect. 1. It shall be lawful for her Majesty, by and with the advice of her Privy Council, from time to time to postpone the time appointed by any Order in Council for the discontinuance of burials, or otherwise to vary any Order in Council made under any of the said recited acts or this act, (whether the time thereby appointed for the discontinuance of burials thereunder, or other operation of such order, shall or shall not have arrived), as to her Majesty, with such advice as aforesaid, may seem fit; and every order of her Majesty in Council made before the passing of this act for varying any order previously made under the said acts, or any of them, shall be deemed valid and effectual in law.

2. If any person, after the time mentioned in any Order in Council under the said acts, or any of them, or this act, for the discontinuance of burials, shall knowingly and wilfully bury any body, or in anywise act or assist in the burial of any body, in any church, chapel, churchyard, burial ground, or place of burial, or (as the case may be) within the limits in which burials have by such orders been ordered to be discontinued, in violation of the provisions of any such order, every person so offending shall, upon summary conviction before two justices of the peace, forfeit a sum not exceeding 10l.

3. The churchwardens or other persons to whom it belongs to convene meetings of the vestry of any parish in which no burial board has been appointed may at any time, at their discretion, without requisition of ratepayers for that purpose, convene a meeting of such vestry for the purpose of determining whether a burial ground shall be provided for the parish; and where any Order in Council has been made before the passing of this act for discontinuing burials (wholly, or subject to any exception or qualification) in any burial ground of any parish for which no burial board has been appointed, or notice has been given of the intention of the Secretary of State to make a representation to her Majesty in Council that burials should be discontinued (wholly, or subject to any exception or qualification) in any burial ground of any parish, the churchwardens, or other persons to whom it belongs to convene meetings of vestry, shall, with all convenient speed after the passing of this act, convene a meeting of the vestry for the purpose aforesaid; and where at any time hereafter notice is given of the intention of the Secretary of State to make a like representation in relation to a burial ground of any parish, such churchwardens or other persons as aforesaid shall forthwith convene a meeting of the vestry for the purpose aforesaid; and all the provisions of the said acts, as amended by this act, relating to and consequent upon vestry meetings convened upon such requisition as provided by the first-recited act, shall be applicable to vestry meetings convened under this enactment.

4. Every vacancy in any burial board shall be filled up by the vestry appointing the same within one month after such vacancy shall have happened, and immediately on the occurrence thereof the same shall be notified by the burial board to the churchwardens or other persons to whom it belongs to convene meetings of the vestry; and in case any such vestry shall neglect to fill up any such vacancy, the vacancy may be filled up by the burial board at any meeting thereof; and every person to be appointed to supply any such vacancy shall be a ratepayer of the parish for which the burial board is appointed; and every such board may act for any purpose, notwithstanding any vacancies therein.

5. So much of sect. 13 of the said 15 & 16 Vict. [c. 85], as requires that the burial board shall meet once at least in every month shall be repealed.

6. If the vestry of any parish shall refuse or neglect to authorise the expenditure of such sums as the burial board of such parish shall have declared to be necessary for providing and laying out a burial ground, and building the necessary chapel or chapels therein, it shall be lawful for such burial board to represent such refusal or neglect to one of her Majesty's Principal Secretaries of State; and in case it shall appear to the Secretary of State, after inquiry into the circumstances of the case, that the burial board are unable to provide such burial ground, or to proceed effectually in the execution of their duties, by reason of such refusal or neglect, it shall be lawful for such Secretary of State, by warrant under his hand, to authorise such burial board, without further authority, sanction, or approval of or by such vestry, to expend such sums of money for providing and laying out a burial ground, and building the necessary chapel or chapels thereon, and to borrow and charge such money for all or any of such purposes, and to enter into and make such contracts and purchases, and do such other acts as under sects. 19, 20, 26, and 42 of the said 15 & 16 Vict. [c. 85], might have been expended, borrowed, and charged, entered into, made, and done with the authority, approval, and sanction of such vestry, subject nevertheless to such limitation of amount, or other limitation or restriction, as such Secretary of State may by his warrant prescribe; and all acts done in pursuance of such warrant shall be as valid and effectual as if the authority, approval, and sanction of such vestry had in every case been obtained.

7. All such fees, payments, and sums as may be fixed, settled, and received by any burial board under sect. 34 of the said 15 & 16 Vict. [c. 85], shall be so fixed and settled subject to the approval of one of her Majesty's Principal Secretaries of State; and no such fees, payments, or sums shall be altered or varied without such approval.

8. It shall be lawful for one of her Majesty's Principal Secretaries of State from time to time to appoint and authorise any person to inspect any burial ground or cemetery, parochial or non-parochial, or place for the reception of bodies, to ascertain the state and condition thereof, and where regulations in relation thereto have been made or may be made by the Secretary of State under the said acts or any of them, to ascertain whether such regulations have been observed and complied with; and if any person having the care of any such burial ground, or cemetery, or other place, shall obstruct any person so authorised to inspect the same, or if any person having the care of any burial ground or place for the reception of bodies, subject to such regulations as aforesaid, shall violate or neglect or fail to observe and comply with any such regulation, or any regulation imposed by this act, every person so offending shall, upon summary conviction thereof before two justices, forfeit and pay a sum not exceeding 10l.

9. So much of the said act of the 15 & 16 Vict. [c. 85], as enacts that "no ground (not already used as or appropriated for a cemetery) shall be appropriated as a burial ground, or as an addition to a burial ground, under that act, nearer than 200 yards to any dwelling-house, without the consent in writing of the owner, leasee, and occupier of such dwelling-house," shall be repealed; but no ground not already used as or appropriated for a cemetery shall be used for burials under the said act or this act, or either of them, within the distance of 100 yards from any dwelling-house, without such consent as aforesaid.

10. If the ratepayers assembled at any vestry duly convened under the provisions of this act shall, in pursuance of public notice duly given in that behalf, resolve unanimously that any new burial ground to be provided for their parish, under the provisions of this act, shall be held and used in like manner,



and subject to the same laws and regulations in all respects, as the existing burial ground or churchyard of the said parish, the land for such new burial ground may be conveyed and settled in accordance with such resolution, anything in this or the said recited acts notwithstanding, and in such case it shall not be necessary to set apart, to remain unconsecrated, any portion of the land so conveyed and settled: provided always, that if at any time within ten years thereafter the vestry, duly convened under the provisions of this act in pursuance of public notice duly given in that behalf, should determine that an unconsecrated burial ground should be also provided for such parish, all the powers and provisions of the said recited acts and this act may be put in force, and shall be applicable for providing such unconsecrated burial ground separately, in like manner as they might have been put in force and been applicable for providing an ordinary burial ground for such parish.

11. Where a parish or place has been united with any other parish or place, parishes or places, for all or any ecclesiastical purposes, or where two or more parishes or places have heretofore had a church or a burial ground for their joint use, or where the inhabitants of several parishes or places have been accustomed to meet in one vestry for purposes common to such several parishes or places, it shall be lawful for the vestry, or any meeting in the nature of a vestry, of such several parishes or places in any of the cases aforesaid, and whether any one or more of such parishes or places do or do not separately maintain its own poor, to appoint a burial board, and from time to time to supply vacancies therein, and to exercise the same powers of authorisation, approval, and sanction in relation to such burial board, and such other powers, as under the said acts and this act are vested in the vestry of a parish or place separately maintaining its own poor; and the burial board so appointed shall have all the powers for providing a burial ground for the common use of such several parishes or places, and for facilitating interments, and otherwise, as if such several parishes or places had been a parish separately maintaining its own poor; and the expenses of the burial board appointed under this provision shall be borne by the several parishes or places for which such board is appointed, and shall be apportioned among them by such burial board in proportion to the value of the property in such several parishes or places as rated to the relief of the poor; and the sums required by the burial board in respect of the portion of such expenses to be borne by any such parish or place shall be paid out of the rates for the relief of the poor in such parish or place, in like manner as if such burial board had been appointed for such parish or place alone.

12. The vestry, or meeting in the nature of a vestry, of any parish, township, or other district not separately maintaining its own poor, which has heretofore had a separate burial ground, may appoint a burial board, and from time to time supply vacancies therein, and may exercise the same powers of authorisation, approval, and sanction in relation to such burial board, and such other powers, as under the said acts and this act are vested in the vestry of a parish separately maintaining its own poor; and the burial board so appointed shall have all the powers for providing a burial ground and otherwise as if such parish, township, or other district had been a parish separately maintaining its own poor.

13. Where any district (whether a parish or township or other subdivision) not separately maintaining its own poor, but forming part of a parish maintaining its own poor, or of an incorporation or other union maintaining the poor of the places comprised therein, by means of a common rate, shall have a burial board, or shall form part of a place or union of places not co-extensive with the area rated for the relief of the poor, and having one burial board, it shall be lawful for such respective burial board to issue their certificate to the overseers of such parish, or the overseers or other persons authorised to make and collect or caused to be collected such common rate, as the case may be, for payment of the sums required for the expenses of such burial board, or, where such district not separately maintaining its own poor forms part only of the area of the burial board, of the sums required in respect of the portion of such expenses to be borne by such district, in like manner as if such district had been a parish separately maintaining its own poor, and such overseers or persons authorised as aforesaid had been the overseers thereof; and such overseers or persons shall pay such sums as shall be required by such certificate, according to the directions of such burial

board, and shall levy such sums as may be required for such payments to the burial board by an addition to the parish rate or common rate, so far as the same affects the district in respect of which such payments are required, or by separate rates to be made from time to time on such district; and for levying such additions or separate rates as aforesaid, such overseers or other persons shall have the powers, remedies, and privileges, and proceed in the same manner, as in the case of the rates for the relief of the poor: provided that any such rates may, notwithstanding any restriction in relation to the parish rate or common rate, be made and levied at such times as may be necessary to provide for the payments aforesaid.

14. And whereas doubts have arisen whether in all cases in which any burial board shall build in any burial ground provided by such board a chapel for the burial service according to the rites of the United Church of England and Ireland, such burial board is not also bound by law to build a chapel or chapels upon the unconsecrated part of such burial ground for the performance of burial service for persons not being members of the said church: be it enacted, that in any such case as aforesaid, where it shall appear to one of her Majesty's Principal Secretaries of State, upon the representation of a majority of the vestry of any parish, consisting of not less than three-fourths of the members of the same, that the building of a chapel upon the unconsecrated part of any such burial ground for the use of persons not being members of the said church is undesirable and unnecessary, it shall be lawful for the said Secretary of State, if he shall think fit, to signify his opinion to that effect to the burial board of the parish, and the said burial board shall thereupon be relieved from all obligation to build the same: provided always, that such Secretary of State shall not signify his opinion as aforesaid unless it be shewn to his satisfaction that notice of the intention to propose to such vestry to make such representation was given in manner required by law for notices of vestry meetings, and of the special purposes thereof.

15. No land already or to be hereafter purchased or acquired, under the provisions of any of the acts hereinbefore recited, for the purpose of a burial ground, (with or without any building erected or to be erected thereon), shall, while used for such purposes, be assessed to any county, parochial, or other local rates at a higher value or more improved rent than the value or rent at which the same was assessed at the time of such purchase or acquisition.

16. That in any case where the burial boards appointed under the said recited acts of the 15 & 16 Vict. [c. 85], and the 16 & 17 Vict. [c. 134], or either of them, for any two parishes, shall provide separate burial grounds for such parishes respectively, and such burial grounds shall adjoin each other, it shall be lawful for the said burial boards to concur in building, either on one of the said burial grounds, or partly on one of such grounds and partly on the other, such chapels as are authorised to be built by the said acts, and that such chapels when erected shall be used in common by both of such parishes, and be deemed and taken to be the chapels of and belonging to each of such burial grounds respectively, in such manner, consistent with the provisions of the said acts or either of them, as the said burial boards shall mutually agree upon; and that the said burial boards may agree as to the proportions in which the expenses of erecting such chapel accommodation shall be borne by each of the said boards respectively; and the proportion for each of such parishes of such expenses shall be chargeable upon and paid in the same manner as the costs of providing burial grounds under the said acts; and where any burial board shall provide a burial ground, and cause chapels to be built thereon, pursuant to the said recited acts, it shall be lawful for such burial board, with the sanction of one of her Majesty's Principal Secretaries of State, to contract with any other burial board whose burial ground shall adjoin the one on which such chapels shall so have been built, for the use of such chapels, in such manner and on such terms as such respective burial boards shall mutually agree, and that during the existence of any such agreement such chapels shall be deemed and taken to be the chapels of and belonging to each of such burial grounds respectively.

17. It shall be lawful for any burial board, with the sanction of one of her Majesty's Principal Secretaries of State, and subject to regulations approved of by him, to let any land purchased by and vested in them under this act, or any of the acts hereinbefore recited, and which has not been consecrated, and in which no body has been at any time interred, and which

is not for the time being required for the purposes of a burial ground, in such manner and on such terms as such board may see fit, but so nevertheless that power shall be reserved to such board to resume any such land which may be required for the purposes aforesaid upon giving six months' notice.

18. In every case in which any Order in Council has been or shall hereafter be issued for the discontinuance of burials in any churchyard or burial ground, the burial board or churchwardens, as the case may be, shall maintain such churchyard or burial ground of any parish in decent order, and also do the necessary repair of the walls and other fences thereof, and the costs and expenses shall be repaid by the overseers, upon the certificate of the burial board or churchwardens, as the case may be, out of the rate made for the relief of the poor of the parish or place in which such churchyard or burial ground is situate, unless there shall be some other fund legally chargeable with such costs and expenses.

19. Nothing in this act contained shall in anywise abridge, lessen, or defeat any power, right, or privilege of any local board of health, being the burial board of a borough created or to exist under or by virtue of any local act of Parliament.

20. Any local board of health acting as or created a board under or by virtue of the powers of any local act of Parliament shall and may have and exercise all the powers, rights, and privileges which by this act or by the secondly-recited act are or can or may be had, enjoyed, or exercised by any burial board therein named.

21. The said acts of the 15 & 16 Vict., 16 & 17 Vict., and 17 & 18 Vict., and this act shall be read and construed together as one act.

#### CAP. CXXIX.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year 1855, and to appropriate the Supplies granted in this Session of Parliament. [14th August, 1855.]

#### CAP. CXXX.

An Act for raising the Sum of Seven Millions by Exchequer Bills and Exchequer Bonds, for the Service of the Year 1855. [14th August, 1855.]

#### CAP. CXXXI.

An Act to render more secure the Conditions upon which Money is advanced out of the Parliamentary Grant for the Purposes of Education. [14th August, 1855.]

Sect. 1. *Sale, &c. of premises in respect of which grant of money has been made not to be valid without consent of Secretary of State, &c.*

2. *Purchasers not to be affected without notice.*

Whereas it is expedient that greater security should be afforded for the due application of money advanced in certain cases to the trustees or managers of schools by the Lords Commissioners of the Treasury out of the Parliamentary grant for the promotion of education in Great Britain: be it therefore enacted &c. as follows:—

Sect. 1. Where any grant hath been made or shall hereafter be made out of any sums of money heretofore granted or hereafter to be granted by Parliament for the purposes of education in Great Britain, under the advice of any Committee of the Council on Education for the time being, to the trustees, managers, or other persons applying on behalf of any school, with the consent of the trustees or persons holding the legal estate thereof, for or towards the purchase of the site or the erection, enlargement, or repair of the school, or the residence of the master or mistress, or the furnishing such school or residence, no sale, exchange, or mortgage of the premises in respect of which such grant hath been or may hereafter be made, in exercise of any power contained in the conveyance or other deed relating thereto, or under any other legal authority, shall be valid unless either the consent of the Secretary of State for the Home Department for the time being, in writing under his hand, be given to the same, or the amount of the grant which shall have been made as aforesaid shall be repaid to the Lords Commissioners of the Treasury for the time being; and whenever any grant as aforesaid shall be hereafter made, a memorandum, to be signed by one of the Lords Commissioners of the Treasury for the time being, shall be indorsed upon some one of the title deeds relating to the school, certifying to the

fact of the grant having been made upon such application, and for some such purpose as aforesaid, and referring to this act; and in any case in which any grant as aforesaid shall have been already made, so soon as such memorandum shall have been indorsed and signed on any such deed, all bonds, covenants, or other personal obligations heretofore given or entered into to prevent the exercise of any such power of sale, exchange, or mortgage without such consent as aforesaid, shall, so far as they relate to such exercise, but no further, be annulled.

2. Nothing herein contained shall affect any purchaser for a valuable consideration without notice, nor be deemed to apply to any school in respect of any such grant heretofore made without any such bond, covenant, or other personal obligations or conditions, as to sale, exchange, or mortgage, having been entered into by the trustees or persons holding the legal estate in such schools and the Committee of Council on Education.

#### CAP. CXXXII.

An Act for facilitating the Erection of Dwelling-houses for the Labouring Classes. [14th August, 1855.]

Sect. 1. *Short title.*

2. *Power to form company.*

3. *Registration of articles.*

4. *Certificate of incorporation.*

5. *Stat. 8 & 9 Vict. c. 16, incorporated with this act.*

6. *Purpose of company.*

7. *Regulation as to dwellings.*

8. *Permissions rights of the company.*

9. *Power to mortgage given in certain cases.*

10. *Rules as to demises by the company.*

11. *Power to company to purchase interests of lessees.*

12. *Penalty on misappropriation of funds.*

13. *Penalty in case dwellings are not sufficiently drained &c.*

14. *Penalty on obstructing inspector.*

15. *Certain provisions of the 8 & 9 Vict. c. 18, incorporated with this act.*

16. *Recovery of penalties.*

17. *Extent of act.*

Whereas it is expedient that facilities should be afforded for the erection of healthful and commodious dwellings for the labouring classes: be it therefore enacted &c. as follows:—

Sect. 1. This act may for all purposes be cited as "The Labourers' Dwellings Act, 1855."

#### *Constitution of Company.*

2. Any number of persons not less than six may, by subscribing articles of association, or a schedule thereto, form themselves into a company for the purposes hereinafter mentioned: the articles shall be in the form set forth in the schedule hereto, or as near thereto as circumstances permit: there shall be set opposite to the name of each subscriber the sum subscribed for by him in the capital of the company, and his subscription shall be deemed to imply a covenant on the part of himself, his heirs, executors, and administrators, to pay to the company the amount so subscribed for.

3. The articles shall be registered by the registrar of joint-stock companies, who shall charge in respect of such registration such fees as may from time to time be directed by the Lords of the Committee of Privy Council appointed for the consideration of matters relating to trade and plantations, hereinafter called the Board of Trade; and upon such registration being made, the subscribers, together with such other persons as may from time to time become members of the company, shall be a body corporate by the name prescribed in the articles of association, having a perpetual succession and a common seal; but no such registration shall be made until it is proved to the satisfaction of the said registrar that three-fourths of the proposed capital has been subscribed for, and that 10 per cent. upon such capital has been paid up.

4. The said registrar shall grant a certificate stating the date of the incorporation of the company, and such certificate shall in all cases be *prima facie* evidence of the fact of such incorporation.

5. The Companies Clauses Consolidation Act, 1845, shall be incorporated into and form part of this act, with the exception of the provisions relating to the recovery of damages, and to the provision to be made for affording access to the special act; and in the construction of the said Companies Clauses

Act the articles of association shall be deemed to be the special act, and the date of the incorporation of the company, as certified in manner aforesaid, shall be deemed to be "the time of the passing of the special act;" and whenever the term "prescribed" is used in this or in the said incorporated act, it shall mean "prescribed by the articles of association."

#### *Rights and Obligations of Company.*

6. Every company incorporated under this act, and herein-after referred to as "the company," shall be established for the purpose of providing dwellings for the labouring classes, with or without private gardens, or with or without common gardens or places of common recreation for the use of the inmates of such dwellings, and for no other purpose whatever; and for the above purpose the company shall have power to accept grants and leases of and to purchase and hold land, to erect thereon dwellings for the labouring classes, and to let such dwellings to lodgers by the week or month, or to demise the same to lessees for any estate or interest not greater than a term of twenty-one years, upon such terms of remuneration as they think fit; subject to this proviso, that the company shall not be entitled to hold at any one time more than ten acres of land, except with the license of the Committee of Privy Council for Trade.

7. The following regulations shall be made respecting any dwellings provided by the company; that is to say,

(1). All such dwellings shall, as respects drainage, ventilation, supply of water, and necessary conveniences, be constructed and provided in such manner as may be approved by the General Board of Health, and shall be maintained by the company in good and sufficient repair:

(2). Any person appointed by the General Board of Health may at all reasonable times inspect any such dwellings as aforesaid.

8. The following matters and things may be prescribed by the articles of association, and if so prescribed, but not otherwise, shall be binding; that is to say,

(1). That the capital of the company may, with the approval of the Board of Trade, and subject to such condition as they may impose, be increased by the issue of a prescribed number of shares, and of a prescribed amount:

(2). That no premium is to be taken in respect of any lease granted by the company:

(3). That the interest granted to any lessee is not to exceed the prescribed term, such term being less than twenty-one years:

(4). That the interest of a lessee is not to be disposed of without the consent of the directors:

But no power hereby given shall be exercised in such manner as to prejudice any right under any subsisting lease, or contract for a lease.

9. In cases where it is prescribed by the articles of association that the dwellings belonging to the company are to be let only to lodgers by the week or month, and not for any greater interval, the company may, as soon as half the subscribed capital is paid up, borrow on the security of their property to the prescribed amount, such amount not to exceed one-third of such subscribed capital; but no mortgages shall have power to eject any tenant before the expiration of his tenancy; and in no other case shall the company have power to borrow money.

10. The following rules shall be observed with respect to demises and letting made by the company:—

(1). The dwellings provided by the company, with the private gardens (if any) appurtenant thereto, shall be divided into such parcels as may be conveniently held in distinct occupations:

(2). The parcels shall be numbered in arithmetical progression, beginning with the figure one, each parcel being distinguished by a separate number:

(3). The interests of the lessees, other than monthly or weekly tenants, in the property of the company, shall be deemed to be shares in a capital consisting of the dwelling-houses of the company, with their appurtenances; and in all cases where such interests are not restricted to the original lessee, the transfer or transmission of such interests shall take place in manner in which the transfer or transmission of shares takes

place in pursuance of the said Companies Clauses Consolidation Act, 1845, or as near thereto as circumstances admit; and the clauses of such last-mentioned act with respect to the transfer or transmission of shares shall, with the necessary alterations, be held to apply to the transfer or transmission of the interests of any such lessees as aforesaid.

11. The company may purchase the interest of any registered lessee, and upon such purchase being made such interest shall be deemed to be extinguished, and the company may demise the premises so purchased in the same manner as if no previous lease thereof had ever before been made.

12. If any funds of the company are advanced to any person by way of loan, or are, with a view of gaining profit, appropriated to any purpose other than the purpose for which the company is hereby declared to be established, every director of the company shall, in addition to any other liabilities he may be under to replace any such funds, be liable, at the suit of any shareholder or other person, whether implicated or not in such loan or misappropriation, to pay to such shareholder or other person, to be applied by him to his own use, in respect of each such advance or misappropriation, a sum by way of penalty not greater in amount than the sum so advanced or misappropriated, and not less than half such sum.

13. If any dwelling belonging to the company is insufficiently drained or ventilated, or insufficiently supplied with water or necessary conveniences, or is in a bad state of repair, the General Board of Health may, by order left at any office of the company, or served on any director of the company, require the company, within a reasonable time, to be specified in such order, sufficiently to drain, ventilate, and supply with water and necessary conveniences, or put in a good state of repair, such dwelling; and if default is made in compliance with the requisitions of such notice, the company shall incur a penalty not exceeding 5*l.* for every day during which such default continues; and it shall be lawful for any justices by whom such penalty is imposed, if they think fit, to order the whole or any part thereof to be laid out in executing the works in respect of which the penalty is incurred; and in addition to the above remedy the said General Board may themselves do the works required by such notice, and recover from the company in a summary manner the expenses of so doing the same; but any order made by the General Board in pursuance of this section may be appealed against, and, on application by motion, be set aside or otherwise modified by any of her Majesty's superior courts of law at Westminster.

14. If any person obstructs any inspector of the General Board of Health in the inspection of any dwelling belonging to the company, he shall for each offence incur a penalty not exceeding 5*l.*

#### *Miscellaneous.*

15. The provisions of the Lands Clauses Consolidation Act, 1845, with reference to the purchase of lands by agreement, shall be incorporated with this act, and shall apply to the purchase of land by the company in pursuance of this act.

16. All penalties imposed by this act, or by any bye-laws made in pursuance of this act or of any act incorporated herewith, and all sums of money hereby directed to be recovered in a summary manner, may be recovered in a summary manner before two justices, as directed by an act passed in the 11 & 12 Vict. c. 43, intitled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders."

17. This act shall not extend to Scotland.

#### SCHEDULE.

##### *Articles of Association of the — Company.*

1. The name of the company shall be "The — Company."

2. The capital of the company shall be — pounds, divided into shares of — pounds each.

3. The first ordinary meeting of the company shall be held — days after the date of the incorporation of the company.

4. The number of directors shall be —; but the company may reduce such number to any number not less than —, and may increase it to any number not exceeding —.

5. The first directors of the company shall be the following persons; that is to say, [*insert names of directors*].

## CAP. CXXXIII.

An Act for limiting the Liability of Members of certain Joint-stock Companies. [14th August, 1855.]

- Sect. 1. *Mode of obtaining limited liability by future companies.*  
 2. *Mode of obtaining limited liability by companies now or hereafter registered.*  
 3. *Mode of obtaining limited liability by existing companies constituted under private acts of Parliament.*  
 4. *Regulations to be observed on complete registration with limited liability.*  
 5. *Penalties to be inflicted for non-observance of such regulations.*  
 6. *Every increase in the nominal capital to be registered, under a penalty.*  
 7. *Members of certificated companies to be free from personal liability.*  
 8. *Effect of execution against company.*  
 9. *If dividends be made and corporation insolvent, each director consenting thereto liable.*  
 10. *Notes of shareholders not receivable in payment of calls: liability of each officer consenting to a loan to shareholders.*  
 11. *Rights of creditors of existing companies preserved.*  
 12. *Change in the name of a company under the act not to affect the rights of the company or other parties.*  
 13. *Companies to be dissolved and wound up when three-fourths of the capital lost.*  
 14. *Auditors to be appointed, subject to approval of Board of Trade.*  
 15. *Recovery of penalties.*  
 16. *Act to be taken as part of 7 & 8 Vict. c. 110.*  
 17. *Provisions of 7 & 8 Vict. c. 111; 11 & 12 Vict. c. 45; and 12 & 13 Vict. c. 108, to apply to this act.*  
 18. *Act not to apply to Scotland.*  
 19. *Short title.*

Whereas it is expedient to enable members of joint-stock companies to limit the liability for the debts and engagements of such companies to which they are now subject: be it therefore enacted &c. as follows:—

Sect. 1. Any joint-stock company to be formed under the act of the 8 Vict. c. 110, (other than an assurance company), with a capital to be divided into shares of a nominal value not less than 10*l.* each, may obtain a certificate of complete registration with limited liability upon complying with the conditions following, in addition to doing all other matters and things now required in order to obtain a certificate of complete registration; that is to say,

- (1). The promoters shall state on their returns to the office for provisional registration that such company is proposed to be formed with limited liability:
- (2). The word "limited" shall be the last word of the name of the company:
- (3). The deed of settlement shall contain a statement to the effect that the company is formed with limited liability:
- (4). The deed of settlement shall be executed by shareholders, not less than twenty-five in number, holding shares to the amount, in the aggregate, of at least three-fourths of the nominal capital of the company, and there shall have been paid up by each of such shareholders, on account of his shares, not less than 20*l.* per centum:
- (5). The payment of the above per-centage shall be acknowledged in or indorsed on the deed of settlement, and the fact of the same having been bona fide so paid shall be verified by a declaration of the promoters, or any two of them, made in pursuance of the act made in the 6 Will. 4, c. 62:

And upon such conditions being complied with, and such other matters and things done, the registrar of joint-stock companies shall grant a certificate of complete registration with limited liability to such company.

2. Any joint-stock company, except as aforesaid, now or hereafter completely registered under the said act of the 8 Vict. [c. 110], may obtain a certificate of complete registration with limited liability, in manner and subject to the condition following; that is to say,

The directors of such company may, with the consent of at

least three-fourths in number and value of its shareholders who may be present, personally or by proxy, at any general meeting summoned for that purpose, make such alteration in the name, nominal value of shares, and deed of settlement of the company as may be necessary for enabling it to comply with the conditions hereinbefore mentioned with respect to joint-stock companies seeking to obtain certificates of complete registration with limited liability; and upon compliance with such conditions, the registrar, after the affairs of the company shall at the expense of the company have been audited by some person appointed by the Board of Trade, and on certificate from the said board that the complete solvency thereof has been established on such audit to its satisfaction, shall grant to such company, by its new name, a certificate of complete registration with limited liability; and thereupon all privileges and obligations hereby attached to companies with limited liability, their shareholders, directors, and officers, shall attach to the company named in such certificate, its shareholders, directors, and officers.

3. Any joint-stock company, except as aforesaid, constituted under any private act of Parliament, whereof it shall be proved to the satisfaction of the Board of Trade, after the affairs of the company shall at the expense of the company have been audited by some person appointed by the Board of Trade, that the said company is perfectly solvent, and that not less than 20*l.* per centum of three-fourths of the nominal capital of such company has been paid up, may obtain a certificate of complete registration with limited liability, in manner and subject to the condition following; that is to say,

The directors of such company may, with the consent of at least three-fourths in number and value of its shareholders who may be present, personally or by proxy, at any general meeting summoned for that purpose, make such alteration in the name and nominal value of shares as may be necessary for enabling it to comply with the condition in that behalf hereinbefore mentioned with respect to joint-stock companies seeking to obtain certificates of complete registration with limited liability; and upon compliance with such condition, the registrar, on receipt of a certificate of the solvency of the company, and of the payment of capital as before mentioned, shall grant to such company, by its new name, a certificate of complete registration with limited liability; and thereupon all privileges and obligations hereby attached to companies with limited liability, their shareholders, directors, and officers, shall attach to the company named in such certificate, its shareholders, directors, and officers.

4. Every company that has obtained a certificate of complete registration with limited liability shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible, and shall have its name engraven in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of such company, and in all bills of exchange, promissory notes, cheques, orders for money, bills of parcels, invoices, receipts, letters, and other writings used in the transaction of the business of the company.

5. If such company do not paint or affix, and keep painted or affixed, its name in the manner aforesaid, each of the directors thereof shall be liable to a penalty not exceeding 5*l.* for not so painting or affixing its name, and for every day during which such name is not so kept painted or affixed; and if any director or other officer of the company, or any person on its behalf, use any seal purporting to be a seal of the company whereon its name is not so engraven as aforesaid, or issue or authorise the issue of any notice, advertisement, or other official publication of such company, or of any bill of exchange, promissory note, cheque, order for money, bill of parcels, invoice, receipt, letter, and other writing used in the transaction of the business of the company, wherein its name is not mentioned in the manner aforesaid, he shall be liable to a penalty of 50*l.*, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money, for the amount thereof, unless the same shall be duly paid by the company.

6. No increase to be made in the nominal capital of any company that has obtained a certificate of complete registra-

tion with limited liability shall be advertised or otherwise treated as part of the capital of such company until it has been registered with the registrar of joint-stock companies; and no such registration shall be made unless a deed is produced to the registrar, executed by shareholders holding shares of the nominal value of not less than 10% to the amount in the aggregate of at least three-fourths of the proposed increased capital of the company, nor unless it is proved to the registrar, by such acknowledgment and declaration as hereinafter mentioned, that upon each of such shares there has been paid up by the holder thereof an amount of not less than 20% per centum; and if any such increase of capital as aforesaid be advertised or otherwise treated as part of the capital of the company before the same has been so registered, every director of such company shall incur a penalty of 50% ; and the payment of the above per-centage shall be acknowledged in or indorsed on the deed so produced, and the fact of the same having been bona fide so paid shall be verified by a declaration of the directors, or any two of them, made in pursuance of the said act made in the 6 Will. 4, c. 62.

7. The members of a joint-stock company which has so obtained a certificate of complete registration with limited liability, after such certificate is granted, notwithstanding the provisions contained in the said act of the 8 Vict. [c. 110], shall not be liable under any judgment, decree, or order which shall be obtained against such company, or for any debt or engagement of such company, further or otherwise than is hereinafter provided.

8. If any execution, sequestration, or other process in the nature of execution, either at law or in equity, shall have been issued against the property or effects of the company, and if there cannot be found sufficient whereon to levy or enforce such execution, sequestration, or other process, then such execution, sequestration, or other process may be issued against any of the shareholders to the extent of the portions of their shares respectively in the capital of the company not then paid up, but no shareholder shall be liable to pay, in satisfaction of any one or more such execution, sequestration, or other process, a greater sum than shall be equal to the portion of his shares not paid up: provided always, that no such execution shall issue against any shareholder except upon an order of the court, or of a judge of the court, in which the action, suit, or other proceeding shall have been brought or instituted, and such court or judge may order execution to issue accordingly, with the reasonable costs of such application and execution, to be taxed by a master of the said court; and for the purpose of ascertaining the names of the shareholders, and the amount of capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the register of shareholders without fee.

9. If the directors of any such company shall declare and pay any dividend when the company is known by them to be insolvent, or any dividend the payment of which would to their knowledge render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office; provided that the amount for which they shall all be so liable shall not exceed the amount of such dividend; and that if any of the directors shall be absent at the time of making the dividend, or shall object thereto, and shall file their objection in writing with the clerk of the company, they shall be exempted from the said liability.

10. No note or obligation given by any shareholder to the company whereof he is a shareholder, whether secured by any pledge or otherwise, shall be considered as payment of any money due from him on any share held by him, and no loan of money shall be made by any such company to any shareholder therein; and if any such loan shall be made to a shareholder, the directors who shall make it, or who shall assent thereto, shall be jointly and severally liable to the extent of such loan and interest for all the debts of the company contracted before the repayment of the sum so lent.

11. Where any company completely registered under the said act of the 8 Vict. [c. 110], or any company constituted under any act of Parliament, shall obtain a certificate of complete registration with limited liability, the grant of such certificate shall not prejudice or affect any right which previously to the grant of such certificate has accrued to any creditor or other person against the company in its corporate capacity, or against any person then being or having been a member of

such company, but every such creditor or other person shall be entitled to all such remedies against the company in its corporate capacity, and against every person then being or having been a member of such company, as he would have been entitled to in case such certificate had not been obtained.

12. No alteration made by virtue of this act in the name of any company shall prejudice or affect any right which previously to such alteration has accrued to such company as against any other company or person, or which has accrued to any other company or person as against such company, but every such company as against any other company or person, and every other company or person as against such company and the members thereof, shall be entitled to all such remedies as they or he would have been entitled to if no such alteration had been made; and no such alteration shall abate or render defective any legal proceeding pending at the time when such alteration is made.

13. In the case of any company which has obtained a certificate of limited liability, whenever, on taking the yearly accounts of such company, or by any report of the auditors thereof, it appears that three-fourths of the subscribed capital stock of the company has been lost, or has become unavailable in the course of trade, from the insolvency of shareholders, or from any other cause, the trading and business of such company shall forthwith cease, or shall be carried on for the sole purpose of winding up its affairs, and the directors of such company shall forthwith take proper steps for the dissolution of such company, and for the winding up of its affairs, either by petition to the Court of Chancery, or by exercise of the powers of the deed of settlement, or by such other lawful course as they may think most fit.

14. In cases where a certificate of registration with limited liability has been obtained, when one auditor only shall have been appointed under the 38th section of the 8 Vict. c. 110, that single auditor, and when two or more such auditors shall have been so appointed, then one of such auditors, shall be subject to the approval of the Board of Trade, and such board, in case the auditor submitted to them for approval shall for any reason appear unfit or objectionable, shall appoint another in his place.

15. Every pecuniary penalty imposed in pursuance of this act shall be deemed a debt due to the Crown, and shall be recoverable accordingly.

16. This act shall, so far as is consistent with the contents and subject-matter thereof, be taken as part of and construed with the said act of the 8 Vict. c. 110, and the 11 Vict. c. 78; and all the provisions of the said acts, save in so far as they are varied by this act, shall apply to persons and companies applying for or obtaining a certificate of complete registration with limited liability.

17. The provisions of the act of the 8 Vict. c. 111, and of the Joint-stock Companies Winding-up Act, 1848, and of the Joint-stock Companies Winding-up Amendment Act, 1849, shall apply to persons and companies obtaining a certificate of complete registration with limited liability, subject only to such variations as may be occasioned by the provisions of this act.

18. This act shall not apply to Scotland.

19. This act may be cited for all purposes as "The Limited Liability Act, 1855."

#### CAP. CXXXIV.

An Act to make further Provision for the more speedy and efficient Despatch of Business in the High Court of Chancery, and to vest in the Lord Chancellor the Ground and Buildings of the said Court situate in Southampton-buildings, Chancery-lane, with Powers of leasing and Sale thereof.

[14th August, 1855.]

Whereas, for the prevention of delays and inconveniences in the carrying on of such portion of the business of the High Court of Chancery as is transacted by the Master of the Rolls and the Vice-Chancellors respectively sitting at chambers, it is requisite that an addition to the number of junior clerks attached to the courts of the said judges respectively should be forthwith made, and a further like addition may hereafter become necessary: be it therefore enacted &c. as follows:—

1. It shall be lawful for the Master of the Rolls and every of the Vice-Chancellors to appoint forthwith after the passing of this act one additional junior clerk to each of their respective chief clerks, and for the Master of the Rolls and the Vice-

Chancellors for the time being respectively to fill up from time to time such vacancies as may occur in the respective offices of the junior clerks so appointed.

2. Such of the provisions contained in the sections numbered respectively 19, 20, 22, 23, 24, 44, and 45 of the act, intituled "An Act to abolish the Office of Master in Ordinary of the High Court of Chancery, and to make Provision for the more speedy and efficient Despatch of Business in the said Court," passed in the 15 & 16 Vict. c. 80, as relate to the removal from office, striking off the rolls, tenure of office, attendances, duties, prohibitions, prosecutions, penalties and punishments, salaries and annuities, of and respecting the junior clerks by the same act authorised to be appointed, are hereby extended and applied to and in the case of the junior clerks to be appointed under this act.

3. Lord Chancellor may increase salaries of chief clerks.

4. Salaries of junior clerks may be apportioned among them.

5. The office of Master of Reports and Entries shall be and the same is hereby abolished from the first occurrence of a vacancy therein after the passing of this act, or from such other period before the occurrence of a vacancy as the Lord Chancellor, with the advice and assistance of the Master of the Rolls, may by order direct.

6. From and after the time when such abolition shall take effect, the business of the Report-office (except such part thereof as is transacted by the entering clerks) shall be conducted and carried on under the superintendence, direction, and control of the Clerks of Records and Writs, who shall thenceforth discharge all such duties relative to the Report-office as may then belong to the office of the Master of Reports and Entries, as far as the same may be from time to time necessary or proper to be discharged; and such part of the business of the Report-office as is transacted by the entering clerks shall be conducted and carried on by such entering clerks (who shall be thenceforth styled "the Entering Clerks to the Registrars") under the superintendence, direction, and control of the senior registrar for the time being, subject nevertheless, as to all and every part of the business now transacted in the Report-office, to such rules and regulations as the Lord Chancellor, with the advice and assistance of the Master of the Rolls, may from time to time think fit by order to make concerning the same.

7. The provision contained in sect. 29 of the act intituled "An Act for the Relief of the Suitors of the High Court of Chancery," passed in the 15 & 16 Vict. c. 87, directing that the duties of the Clerk of Reports (whose office was before by the same act abolished) should be performed by such person or persons as the Lord Chancellor should appoint for that purpose, and providing for his or their salary or salaries, shall be and the same is hereby repealed, without prejudice, nevertheless, to any appointment already made under the same provision.

8. The offices of the two clerks appointed under the last-mentioned provision to perform the duties of the Clerk of Reports shall be continued under this act, and upon any vacancy in either of those offices it shall be lawful for the Lord Chancellor to fill up the vacancy; and if and when the Lord Chancellor, with the advice and assistance of the Master of the Rolls, shall deem the appointment of more than two persons to be requisite for the due performance of the duties of the Clerk of Reports, or otherwise for the due despatch of the business of the Report-office, it shall be lawful for the Lord Chancellor to appoint from time to time, in addition to such two clerks and their successors as aforesaid, so many clerks of and in the Report-office as occasion may require, and the Lord Chancellor, with the advice and assistance last aforesaid, may direct, and from time to time to fill up all or any of the vacancies which may occur in the offices of the clerks so appointed in addition as aforesaid.

9. Nothing in this act contained shall be taken to repeal or alter, as far as regards James Thomas Fry, the present Master of Reports and Entries, any of the provisions contained in the sections numbered respectively 34, 35, and 36 of the said act "for the Relief of the Suitors of the High Court of Chancery," relating to the countersigning by the Master of Reports and Entries of notes or cheques drawn by the Accountant-General of the Court of Chancery upon the Bank of England, and the payment thereof by the same Bank, and directing that the Master of Reports and Entries should also perform all such duties (as well as the duties in the same act mentioned) as the Lord Chancellor should from time to time by any order direct, and the same provisions shall respectively continue in full force as far as regards the said James Thomas Fry, and the Lord Chan-

cellor is hereby required to continue the said James Thomas Fry as an officer of the Court of Chancery for the performance of the duties hereinbefore mentioned, or such other duties as aforesaid, after and notwithstanding that the abolition of the said office may have taken effect under this act.

10. Provision for continuance of the present Master's salary.

11. Additional salary to present Clerks of Records and Writs in certain cases.

12. Salaries of the clerks in the Report-office.

13. Power to Lord Chancellor to grant retiring allowance to Alexander M'Kean.

14. How salaries, compensations, &c. to be paid.

15. If any person shall wilfully take or make any false oath, affirmation, or declaration before any solicitor authorised as in the act of the 16 & 17 Vict. c. 78, is mentioned, such person shall be subject to all the pains and penalties of perjury, whether the same oath, affirmation, or declaration shall or shall not have been taken or made at a place at which, under the provisions of the said last-mentioned act, the same oath, affirmation, or declaration might lawfully be taken or made; but every solicitor before whom any oath, affirmation, or declaration shall be taken or made under the last-mentioned act shall state truly in the jurat or attestation at what place the same oath, affirmation, or declaration has been taken or made.

16. And whereas, by divers acts of Parliament, the Court of Chancery is empowered to make orders in respect of the disposition of trust funds, and other matters under its jurisdiction, upon petition presented or motion made in a summary way, without bill, but such orders cannot be made in respect of the same matters upon application at chambers: be it therefore enacted, that the business to be disposed of by the Master of the Rolls and the Vice-Chancellors respectively while sitting at chambers shall comprise such of the matters in respect of which the Court of Chancery is so as aforesaid empowered to make orders in a summary way, as the Lord Chancellor, with the advice and assistance of the Master of the Rolls and the Vice-Chancellors, or of any two of them, may by any General Order direct.

17. Repeal of sect. 51 of the 15 & 16 Vict. c. 80.

18. The ground and buildings vested in the Lord Chancellor in trust.

19. Power of leasing.

20. Power of sale.

21. Power to vest the ground, &c. in a purchaser.

22. Application of the rents, purchase monies, &c.

23. "The Lord Chancellor."

## LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.

18 & 19 VICTORIÆ.—SESSION 1854-55.

### CAP. i.

An Act to amend the Pudsey Gas Act, 1845, and to enable the Company thereby incorporated to raise a further Sum of Money.

### CAP. ii.

An Act for incorporating the Woolwich, Plumstead, and Charlton Consumers Gas Company.

### CAP. iii.

An Act to enable the Cambridge University and Town Waterworks Company to raise further Money.

### CAP. iv.

An Act to enable the Taunton Gas-light and Coke Company to raise a further Sum of Money; and for other Purposes.

### CAP. v.

An Act for erecting and maintaining a Bridge over the River Wye at a Place called Hoarwithy Ferry, in the Parishes of Hentland and King's Cople, in the County of Hereford, and for making convenient Approaches thereto.

## CAP. vi.

An Act to transfer to the Corporation of the Town of Brighton the Property, Powers, Privileges, and Liabilities of the Brighton Improvement Commissioners.

## CAP. vii.

An Act for granting further Powers to the Folkestone Waterworks Company.

## CAP. viii.

An Act for more effectually lighting with Gas the Town of Stalybridge and the Neighbourhood thereof, in the Counties of Chester and Lancaster, and in the West Riding of the County of York.

## CAP. ix.

An Act for supplying with Gas the Townships of Ossett-cum-Gawthorpe, in the Parish of Dewsbury, and Horbury, in the Parish of Wakefield, all in the West Riding of the County of York.

## CAP. x.

An Act for enabling the Monmouthshire Railway and Canal Company to raise further Capital; and for other Purposes.

## CAP. xi.

An Act for constructing a Railway from Bridport to Maiden Newton, on the Wilts, Somerset, and Weymouth Railway, in the County of Dorset.

## CAP. xii.

An Act to consolidate and amend the Provisions of the Act relating to the Ratcliff Gas-light and Coke Company.

## CAP. xiii.

An Act to enable the Leeds, Bradford, and Halifax Junction Railway Company to raise additional Capital; and for other Purposes.

## CAP. xiv.

An Act for merging the Sheffield Gas Consumers Company in the Sheffield United Gas-light Company; and for other Purposes.

## CAP. xv.

An Act to authorise the Glossop Gas Company to raise Money; and for other Purposes.

## CAP. xvi.

An Act to enable the South-eastern Railway Company to raise a further Sum of Money, and to create Preferential Stock, for the Purpose of paying off their Mortgage Debt.

## CAP. xvii.

An Act for making a Railway from the Midland Railway, in the Parish of Cam, in the County of Gloucester, to the Town of Dursley.

## CAP. xviii.

An Act to enable the Belfast and County Down Railway Company to extend their Railway in the County of Down.

## CAP. xix.

An Act to grant further Powers to the Colchester, Stour Valley, Sudbury, and Halstead Railway Company.

## CAP. xx.

An Act to enable the Heywood Waterworks Company to extend their Undertaking, and to increase their Capital.

## CAP. xxi.

An Act for enabling the Grand Junction Waterworks Company to raise further Capital; and for other Purposes.

## CAP. xxii.

An Act to re-incorporate Price's Patent Candle Company, and to extend its Powers.

## CAP. xxiii.

An Act to enable the South Wales Mineral Railway Company to grant a Lease of their Undertaking.

## CAP. xxiv.

An Act for enabling the Southwark and Vauxhall Water Company to raise additional Capital; and for other Purposes.

## CAP. xxv.

An Act to empower the Vale of Neath Railway Company to raise further Money for the Purposes of their Undertaking.

## CAP. xxvi.

An Act to incorporate the Woolwich Equitable Gas Company, and to enable them to raise further Money; and for other Purposes.

## CAP. xxvii.

An Act to enable the Torquay Market Company to raise a further Sum of Money, and to sell or lease their Undertaking; and for other Purposes.

## CAP. xxviii.

An Act to extend the Great North of Scotland Railway from Huntly to Keith.

## CAP. xxix.

An Act to enable the Chesterfield Waterworks and Gas-light Company to extend their Undertaking; and for other Purposes.

## CAP. xxx.

An Act for making a Railway from the Town of Jedburgh to the Kelso Branch of the North British Railway at or near the Roxburgh Station; and for other Purposes.

## CAP. xxxi.

An Act for constructing a Market-house, Market-place, and other Buildings for Public Accommodation at Bangor, in the County of Carnarvon, and for the better Regulation and Maintenance of the Markets there; and for other Purposes.

## CAP. xxxii.

An Act for more effectually supplying with Gas the Parish of Rotherham, and certain Places adjacent thereto, in the West Riding of the County of York.

## CAP. xxxiii.

An Act for better enabling the Medical, Invalid, and General Life Assurance Society to sue and be sued; and for other Purposes with relation to the Society.

## CAP. xxxiv.

An Act to enable the Company of Proprietors of the Birmingham Waterworks to construct new Waterworks; and for other Purposes.

## CAP. xxxv.

An Act for extending the Powers of the Plymouth and Stonehouse Gas-light and Coke Company; and for other Purposes.

## CAP. xxxvi.

An Act for paving, draining, cleansing, lighting, and otherwise improving the District of St. Mark, Surbiton, in the Parish of Kingston-upon-Thames, in the County of Surrey; and for other Purposes.

## CAP. xxxvii.

An Act to incorporate the Stourbridge Gas Company, and to enable them to light with Gas the Town of Stourbridge, in Worcestershire, and other Places.

## CAP. xxxviii.

An Act to enable the East Indian Railway Company to issue and register Shares and Securities in India; and for other Purposes in relation to such Company.



## CAP. xxxix.

An Act for authorising the Sale of the Uxbridge Barge Lands, and directing the Application of the Proceeds thereof; and for other Purposes.

## CAP. xl.

An Act to enable the Madras Railway Company to issue and register Shares and Securities in India; and for other Purposes in relation to such Company.

## CAP. xli.

An Act to enable the Corporation of Newport, in Monmouthshire, to purchase the Interest of the Freemen in Newport Marshes; and for other Purposes.

## CAP. xlii.

An Act to amend the Lancaster Waterworks and Gas Act, 1852, and to raise an additional Sum of Money for the Purposes of the said Act; and for other Purposes.

## CAP. xliii.

An Act to amend the Provisions and extend the Limits of the Act relating to the Over Darwen Gas-light Company.

## CAP. xliv.

An Act for enabling the Mayor, Aldermen, and Citizens of the City of Manchester to make a new Street from Manchester across the River Irwell into Salford, and authorising Arrangements with the Corporation of Salford in reference thereto; and for other Purposes.

## CAP. xlv.

An Act to extend the Limits of the Borough of Kingston-upon-Thames, and to provide for the better paving, lighting, draining, and otherwise improving the said Borough; and for other Purposes.

## CAP. xlv.

An Act for extending the Powers of the Plymouth Great Western Dock Company; and for other Purposes.

## CAP. xlvii.

An Act to authorise the Mayor, Aldermen, and Burgesses of the Borough of Oldham to construct additional Waterworks; and for other Purposes.

## CAP. xlviii.

An Act to confer further Powers on the Birmingham Gas-light and Coke Company.

## CAP. xlix.

An Act for repealing an Act called "The Hartlepool Gas and Waterworks Act, 1849," and granting other Powers in lieu thereof; and for enabling the Hartlepool Gas and Water Company to raise further Money; and for other Purposes; the Short Title of which is, "The Hartlepool Gas and Waterworks Act, 1855."

## CAP. l.

An Act to consolidate and amend the Acts relating to the Llynvi Valley Railway Company; to enable them to construct a new Railway from Llangonoyd to Bridgend, and to extend their present Line from Foce Toll-house to St. Bride's Minor, to abandon Parts of their existing and authorised Lines, to dissolve the Bridgend Railway Company, and to abandon their Railway; and for other Purposes.

## CAP. ii.

An Act for further and more effectually repairing and maintaining the Bridge over the River Tweed, at or near the Town of Kelso, in the County of Roxburgh.

## CAP. lii.

An Act to amend the St. George's Harbour Act, 1853.

## CAP. liii.

An Act to enable the Ulster Railway Company to make a Railway from Armagh to Monaghan, and to enlarge their Station at Belfast; and for other Purposes.

## CAP. liv.

An Act for enabling the Mayor, Aldermen, and Burgesses of Londonderry to raise a further Sum of Money; and for other Purposes.

## CAP. lv.

An Act to incorporate the Kilmarnock Gas-light Company, established to supply with Gas the Town of Kilmarnock, and the Parishes of Kilmarnock and Riccarton, and Places therein, all in the County of Ayr.

## CAP. lvi.

An Act for consolidating into one Act and amending the Provisions of the several Acts relating to the Dundee and Perth and Aberdeen Railway Junction Company, and for enabling the Company to raise Money for the Payment of Debts; and for other Purposes.

## CAP. lvii.

An Act for making a Railway from the Great North of Scotland Railway to Turriff, in the County of Aberdeen.

## CAP. lviii.

An Act to authorise certain Arrangements with respect to the Capital of the Swansea Dock Company.

## CAP. lix.

An Act for extending the Time for the Completion of the Cornwall Railway and Works, and for making further Provisions as to the Share Capital of the Cornwall Railway Company; and for other Purposes.

## CAP. lx.

An Act to enable the Swansea Vale Railway Company to extend their Railway, and to maintain and work the same as a Passenger Railway; and for other Purposes connected therewith.

## CAP. lxi.

An Act to repeal the Act relating to the Leominster and Ledbury Turnpike Trust, and to make other Provisions in lieu thereof.

## CAP. lxii.

An Act to enable the Salisbury and Yeovil Railway Company to make a Deviation in the Line of their Railway; and for other Purposes.

## CAP. lxiii.

An Act to enlarge some of the Powers of the Acts relating to the Bristol and Exeter Railway Company, and to enable such Company to raise further Sums of Money, to acquire additional Lands, to lease the Somerset Central Railway, to hold additional Shares in the Exeter and Crediton Railway; and for other Purposes.

## CAP. lxiv.

An Act to incorporate the Hyde Gas Company, and to grant more effectual Powers for supplying with Gas the several Townships of Hyde, Werneth, Bredbury, Romiley, Newton, and Godley, in the County of Chester.

## CAP. lxv.

An Act for making a Railway from and out of the Great North of Scotland Railway, in the Parish of Inverury, to the Town of Old Meldrum, all in the County of Aberdeen; and for other Purposes.

## CAP. lxvi.

An Act for amending the several Acts relating to the Liverpool Corporation Waterworks, and for authorising Deviations and the Construction of Works; and for other Purposes.

## CAP. lxvii.

An Act for amending the Commercial Roads Act, 1828, and the Commercial Roads Continuation Act, 1849; and for other Purposes.

## CAP. lxxviii.

An Act for repairing the Road from the Town of Kingston-upon-Hull to the Western Boundary of the Parish of Hessele, in the East Riding of the County of York.

## CAP. lxxix.

An Act for making a Railway from the Oxford Branch of the Great Western Railway to Abingdon.

## CAP. lxx.

An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of Ashton-under-Lyne, in the County of Lancaster, to purchase and maintain Waterworks; and for other Purposes.

## CAP. lxxi.

An Act to repeal the Act relating to the Nottingham and Loughborough Turnpike-road, and to make other Provisions in lieu thereof.

## CAP. lxxii.

An Act for establishing and maintaining an efficient System of Police for the Royal Burgh of Renfrew, for improving the said Burgh, and for other Purposes in relation thereto.

## CAP. lxxiii.

An Act to enable the Waterford and Limerick Railway Company to raise further Money; and for other Purposes.

## CAP. lxxiv.

An Act for the Improvement of the Town of St. Helen's; and for other Purposes.

## CAP. lxxv.

An Act to alter and extend the Line of the Cromford and High Peak Railway, and to amend and consolidate the Provisions of the Acts relating thereto.

## CAP. lxxvi.

An Act for making a Railway from the Waterford and Limerick Railway at Killoan to Castleconnel, to be called "The Limerick and Castleconnel Railway;" and for other Purposes.

## CAP. lxxvii.

An Act to extend the Limits of the Newcastle-under-Lyme Gas-light Company's Act for the Supply of Gas, and to authorise the raising of a further Sum of Money; and for other Purposes.

## CAP. lxxviii.

An Act to increase the borrowing Powers of the Limerick and Foynes Railway Company.

## CAP. lxxix.

An Act to consolidate and amend the Acts relating to the Maryport and Carlisle Railway; to authorise the Company to improve their existing Railway; to make new Branches, Stations, and other Additions to their Works; to raise further Monies; and for other Purposes.

## CAP. lxxx.

An Act for better lighting with Gas the Town and Borough of Newport, and the Neighbourhood thereof, in the County of Monmouth.

## CAP. lxxxi.

An Act for more effectually supplying with Gas the Town of Weston-super-Mare, in the County of Somerset.

## CAP. lxxxii.

An Act to renew the Term and continue the Powers of an Act passed in the Eighth Year of the Reign of his Majesty King George the Fourth, intituled "An Act for repairing the Road from Alford to Boston, and from thence to Cowbridge, in the Township of Frithville, in the County of Lincoln."

## CAP. lxxxiii.

An Act to repeal so much of the Act relating to the Wigan and Preston Roads as relates to the District of the said Roads North of Yarrow, and to make other Provisions in lieu thereof.

## CAP. lxxxiv.

An Act to alter and amend the Lands Improvement Company's Act, 1853.

## CAP. lxxxv.

An Act to renew the Term and continue the Powers of an Act passed in the First Year of the Reign of his Majesty King George the Fourth, intituled "An Act to continue the Term and alter and enlarge the Powers of an Act of the Fortieth Year of his late Majesty's Reign, for repairing the Road leading from the Turnpike-road in Witney to the Road on Swerford Heath, and the Road leading from the Road from Woodstock to Birmingham, through Charlbury, to the Road from Chipping Norton to Burford, all in the County of Oxford."

## CAP. lxxxvi.

An Act for making a Railway from Oswestry, in the County of Salop, to Welchpool and Newtown, in the County of Montgomery.

## CAP. lxxxvii.

An Act for repairing, widening, and maintaining several Roads in the Counties of Dorset and Devon, leading to and from the Borough of Lyme Regis, and from the Turnpike-road on Raymond's Hill to the Turnpike-road at the Three Ashes, in the Parish of Crewkerne, in the County of Somerset.

## CAP. lxxxviii.

An Act for making a Railway from the Town of Dundalk, in the County of Louth, to the Town of Black Rock, in the said County.

## CAP. lxxxix.

An Act for the better Supply of the City of Gloucester and the Neighbourhood thereof with Water; and for other Purposes.

## CAP. xc.

An Act for enabling the London and Blackwall Railway Company to widen certain Portions of their Railways, and for amending some of the Provisions of the Acts relating to such Railways.

## CAP. xci.

An Act for enabling the Manchester, Sheffield, and Lincolnshire Railway Company to make a Branch Railway to Lincoln; and for other Purposes.

## CAP. xcii.

An Act for continuing the Term of the Nottingham and New-haven Turnpike-road and Districts Act; and for other Purposes.

## CAP. xciii.

An Act for extending the Powers of the Warrington Waterworks Company; and for other Purposes.

## CAP. xciv.

An Act to amend the East Kent Railway Act, 1853.

## CAP. xcvi.

An Act to authorise the Company of Proprietors of the Regent's Canal to purchase the Hertford Union Canal; and for other Purposes.

## CAP. xcvi.

An Act to enable the Caledonian Railway Company to raise a further Sum of Money.

## CAP. xcvi.

An Act to consolidate and amend the Acts relating to the Glasgow and South-western Railway; and for other Purposes.

CAP. xcviii.

An Act to consolidate and amend the Acts relating to the South Wales Railway Company, and to authorise the Construction of new Works, and Alterations of existing Works; and for other Purposes.

CAP. xcix.

An Act to authorise Improvements in the Borough of Newcastle-upon-Tyne.

CAP. c.

An Act for the Improvement of the Town of Newton in Macerfield and Neighbourhood, in the County of Lancaster.

CAP. ci.

An Act to enable the Cork and Youghal Railway Company to make a Branch Railway to Queenstown, and to make certain Deviations in and an Extension of their Line; and for other Purposes.

CAP. cii.

An Act to alter certain Portions of the Metropolitan Railway, and to amend the Provisions of the Act relating thereto.

CAP. ciii.

An Act to amend and extend the Provisions of the Act relating to the Gomersal and Dewsbury Turnpike-roads, and to create a further Term therein; and for other Purposes.

CAP. civ.

An Act to repeal certain Acts relating to the Basingstoke, Stockbridge, and Lobcomb Corner Turnpike-roads, and to make other Provisions in lieu thereof.

CAP. cv.

An Act to enable the Dunkalk and Enniskillen Railway Company to construct Extension Railways; and for other Purposes.

CAP. cvi.

An Act to repeal the Acts relating to the Road from Lightpill to Birdlip, and to make other Provisions in lieu thereof.

CAP. cvii.

An Act to repeal the Act relating to the Peterborough and Wellingborough Turnpike-road, and to make other Provisions in lieu thereof.

CAP. cviii.

An Act to repeal the Act for making and maintaining a Turnpike-road from Cainscross, through Stroud, over Rodborough and Minchinhampton Commons, to the Town of Minchinhampton, with some Branches therefrom, all in the County of Gloucester, and to make other Provisions in lieu thereof.

CAP. cix.

An Act to repeal an Act for making and maintaining certain Roads from the Town of Stroud, and several other Places therein mentioned, all in the County of Gloucester, and to make other Provisions in lieu thereof.

CAP. cx.

An Act to enable the Rhymney Railway Company to extend their Railway to the Taff Vale Railway; to construct Branch Railways; and for other Purposes.

CAP. cxi.

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the First District of the Bridport Turnpike-roads, in the County of Dorset.

CAP. cxii.

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the Bridport and Broadwinsor Turnpike-roads.

CAP. cxiii.

An Act for incorporating the Bombay, Baroda, and Central India Railway Company; and for other Purposes connected therewith.

CAP. cxiv.

An Act for extending the Time for the Purchase of Lands, and for the Completion of a Railway from Chichester to Bognor.

CAP. cxv.

An Act for incorporating the Scinde Railway Company; and for other Purposes connected therewith.

CAP. cxvi.

An Act to enable the North Yorkshire and Cleveland Railway Company to make a Branch from their Railway to the Middlesbrough and Guisbrough Railway, and also a Branch to Whorlton, and other Works; and to alter and amend the Act relating to the said Company; and for other Purposes.

CAP. cxvii.

An Act to change the Name of the National Loan Fund Life Assurance Society to the Name of "The International Life Assurance Society;" and to enable the said Society to sue and be sued in the Name of the Chairman or Secretary or any one Director of the said Society; and to give additional Powers to the said Society.

CAP. cxviii.

An Act to authorise and empower the Magistrates and Council of the City of Glasgow to supply with Water the said City and Suburbs thereof, and Districts and Places adjacent; to purchase and acquire the Glasgow Waterworks, and the Gorbals Gravitation Waterworks; and to introduce an additional Supply of Water from Loch Katrine; and for other Purposes.

CAP. cxix.

An Act for maintaining and improving the Harbour of Ayr, and for the better Regulation and Management thereof.

CAP. cxx.

An Act for making a Railway through Part of the Aberdare Valley, in the County of Glamorgan, to join the Vale of Neath Railway.

CAP. cxxi.

An Act for enabling the Company of Proprietors of the Birmingham Canal Navigations to make and maintain additional Canals and Works; and for other Purposes.

CAP. cxxii.

An Act for making Railways from the South Devon Railway to Exmouth, and to the Basin of the Exeter Canal, to be called "The Exeter and Exmouth Railway."

CAP. cxxiii.

An Act to consolidate the Capital Stock of the Electric Telegraph Company and of the International Telegraph Company, and to grant further Powers to the Electric Telegraph Company.

CAP. cxxiv.

An Act to enable the Great Northern Railway Company further to increase their Capital; and for other Purposes with relation to the same Company.

CAP. cxxv.

An Act for incorporating the Colonial Life Assurance Company; for enabling the said Company to sue and to be sued, and to take and hold Property; and for other Purposes relating to the said Company.

## CAP. cxvi.

An Act for the Improvement, Maintenance, and Regulation of the Port of Hartlepool; for the Construction of a Harbour of Refuge there; and for other Purposes.

## CAP. cxvii.

An Act for making a Railway from Ladybank, on the Line of the Edinburgh, Perth, and Dundee Railway, by Auchtermuchty and Strathmiglo, to Milnathort and Kinross.

## CAP. cxviii.

An Act to authorise the Sunderland Dock Company to make further Works; and to amend and consolidate the Acts relating to the said Company; and for other Purposes.

## CAP. cxix.

An Act for regulating the Share Capital of the Manchester, Sheffield, and Lincolnshire Railway Company; and for other Purposes.

## CAP. cxx.

An Act to enable the Stockport, Disley, and Whaley-bridge Railway Company to construct a Junction Line to the Cromford and High Peak Railway; and for other Purposes.

## CAP. cxxi.

An Act to enable the Carmarthen and Cardigan Railway Company to make a Deviation in their Line of Railway; and for other Purposes.

## CAP. cxxii.

An Act for the Improvement of the Town of Leek, in the County of Stafford; for purchasing the Market Tolls, and for providing more commodious Markets and Cemeteries, and for better supplying the Inhabitants with Water; and for other Purposes.

## CAP. cxxiii.

An Act to enable the Weymouth Waterworks Company to increase and extend their Supply of Water, and to construct new Works; and for other Purposes.

## CAP. cxxiv.

An Act for changing the Corporate Name of the Company of Proprietors of the Grand Surrey Canal; for consolidating their Acts; for authorising them to make a new Entrance from the Thames, additional Docks, and other Works; and to raise further Monies; and for other Purposes.

## CAP. cxxv.

An Act for granting further Powers to the Torquay, Tor, and Saint Mary Church Gas Company.

## CAP. cxxvi.

An Act to repeal the Acts passed for repairing the Road from Hedon through Preston and Bilton to Hull, and other Roads in the County of York, and to make other Provisions in lieu thereof.

## CAP. cxxvii.

An Act for incorporating the Gas-light Company of Sligo; and for other Purposes.

## CAP. cxxviii.

An Act to amend the Provisions of the West Bromwich Improvement Act, 1854, with relation to the Prevention of Smoke.

## CAP. cxxix.

An Act to vary the Mode of carrying the Staines, Wokingham, and Woking Railway across certain Roads; and for other Purposes.

## CAP. cxl.

An Act for incorporating the Cape Town Railway and Dock Company; and for other Purposes connected therewith.

## CAP. cxli.

An Act to amalgamate the Glasgow and Inchbelly Bridge and Possill and Balmore Turnpike-road Trusts, and to make Branch Roads; and for other Purposes.

## CAP. cxlii.

An Act for making and maintaining a Turnpike-road from Charlestown of Aboyne, by Ballater, Crathie, and Castle-town of Braemar, to Cairnwell Hill, with a Branch at Crathie, in the County of Aberdeen; and for other Purposes.

## CAP. cxliii.

An Act for constructing and maintaining a Quay and other Works in the Borough of Gateshead, in the County of Durham; and for other Purposes.

## CAP. cxliv.

An Act to enable the Halifax Gas-light and Coke Company to transfer their Undertaking and Powers to the Halifax Local Board of Health; and for other Purposes.

## CAP. cxlv.

An Act to amend an Act of the First Year of the Reign of King George the Fourth, cap. c., to enable her Majesty's Commissioners of Lieutenancy for the City of London to purchase certain Lands and Houses for building more convenient and requisite Head Quarters, Storehouses, and other proper Accommodation for the Royal London Militia, and to confer certain other Powers.

## CAP. cxlvi.

An Act for making a Railway from the London and North-western Railway at Dunstable, in the County of Bedford, to the Great Northern Railway at or near Welwyn, in the County of Hertford, to be called the "Laton, Dunstable, and Welwyn Junction Railway;" and for other Purposes.

## CAP. cxlvii.

An Act to extend the Limits of the Borough of Folkestone; to enable the Corporation of the said Borough to construct a Market House; to make certain new Streets and other Improvements; and to pave, light, drain, and otherwise improve the said Borough; and for other Purposes.

## CAP. cxlviii.

An Act for insuring the due Proof of Gun Barrels in England; and for other Purposes.

## CAP. cxlix.

An Act for enabling the Stockton and Darlington Railway Company to make new Branches and other Works; to acquire additional Lands; and for other Purposes.

## CAP. cl.

An Act for authorising the making and maintaining of the West Somerset Mineral Railway, and the improving and regulating of the Harbour of Watchet, in the County of Somerset; and for other Purposes.

## CAP. cli.

An Act for better supplying with Water the Town and Parish of Wolverhampton, the Suburbs thereof, and the Parishes and Places adjacent thereto.

## CAP. clii.

An Act to amend the Bradford Corporation Waterworks Act, 1854.

## CAP. cliii.

An Act for making a Railway from the Port Carlisle Railway, in the Township of Drumburgh, to or near to the Coast Lighthouse in Silloth Bay, in the Parish of Holme Cultram, in the County of Cumberland, and also a Dock and Jetty at Silloth Bay; and for making Arrangements with the Port Carlisle Dock and Railway Company; and for other Purposes.

## CAP. cliv.

An Act for maintaining the Yorkshire District of the Road from Keighley, in the West Riding of the County of York, to Kirkby-in-Kendal, in the County of Westmoreland.

## CAP. clv.

An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of Liverpool to acquire Lands; and for other Purposes.

## CAP. clvi.

An Act to renew the Term and continue the Powers of an Act passed in the Ninth Year of the Reign of his Majesty King George the Fourth, intituled "An Act for more effectually repairing and improving the Road from Wadhurst to the Turnpike-road on Lamberhurst Down, both in the County of Sussex, and from the Turnpike-road on Pullen's Hill to West Farleigh Street, both in the County of Kent."

## CAP. clvii.

An Act for extending the Times granted to purchase Lands for the Part of the Waveney Valley Railway between Bungay and Beccles.

## CAP. clviii.

An Act to enable the Edinburgh and Glasgow Railway Company to enlarge their Station at Queen-street, Glasgow; to raise additional Capital; and for other Purposes.

## CAP. clix.

An Act for making and maintaining the Great Northern London Cemetery; and for other Purposes.

## CAP. clx.

An Act for better enabling the Mayor, Aldermen, and Burgesses of the Borough of Wisbech to raise and secure Monies payable by them to the Nene Valley Drainage and Navigation Improvement Commissioners; and for other Purposes.

## CAP. clxi.

An Act to repeal the Act relating to the Bolton and Nightingale's Turnpike-road, and to make other Provisions in lieu thereof.

## CAP. clxii.

An Act to authorise the Construction of a Dock on the North Side of the River Thames, to be called "The Dagenham (Thames) Dock."

## CAP. clxiii.

An Act to amend the London Necropolis and National Mausoleum Act, 1852; and for other Purposes.

## CAP. clxiv.

An Act to repeal an Act for making, widening, repairing, and maintaining certain Roads leading to and from the Town of Honiton, in the County of Devon, and to make other Provisions in lieu thereof.

## CAP. clxv.

An Act for making a Railway from the Leven Railway at the Town of Leven to the Town of Killoonquhar, in the County of Fife, to be called "The East of Fife Railway."

## CAP. clxvi.

An Act to incorporate the Royal Medical Benevolent College; and for other Purposes.

## CAP. clxvii.

An Act to enable the Londonderry and Coleraine Railway Company to lease a Portion of their Undertaking; and for other Purposes.

## CAP. clxviii.

An Act for more effectually repairing the Cavendish Bridge and Brassington Road, and for making a Branch Line of Road in connexion with the same, all in the County of Derby.

## CAP. clxix.

An Act for making Railways from the Farnborough Extension of the West London and Crystal Palace Railway to the North Kent Line of the South-eastern Railway, and to the London, Brighton, and South-coast Railway, with Branches therefrom; and for other Purposes.

## CAP. clxx.

An Act for extending the Limits of the Harbour of Barrow, in the County Palatine of Lancaster, and to enable the Commissioners of the said Harbour to raise a further Sum of Money; and for other Purposes.

## CAP. clxxi.

An Act for vesting the Undertakings of the Birkenhead Dock Company, and of the Trustees of the Birkenhead Docks, in the Mayor, Aldermen, and Burgesses of the Borough of Liverpool; and for other Purposes.

## CAP. clxxii.

An Act for improving the Postal and Passenger Communication between England and Ireland, and for authorising Arrangements between certain Companies in England and Ireland in relation thereto; and for other Purposes.

## CAP. clxxiii.

An Act to repeal and consolidate the several Acts relating to the Furness Railway Company; to enable the said Company to raise a further Sum of Money; to give further Powers to the said Company; and for other Purposes.

## CAP. clxxiv.

An Act to authorise the Trustees of the Liverpool Docks to construct new Works, and to raise a further Sum of Money; and for other Purposes.

## CAP. clxxv.

An Act for enabling the South Staffordshire Railway Company to make certain Branch Railways; for the Purchase of additional Lands at Wichnor and Dudley; and for other Purposes.

## CAP. clxxvi.

An Act for maintaining and improving the Road from Gateshead, in the County of Durham, to the Hexham Turnpike-road, near Dilston Bar, in the County of Northumberland, and other Roads connected therewith.

## CAP. clxxvii.

An Act to enable the Portsmouth Railway Company to make an Alteration in the Line of their Railway; and for other Purposes.

## CAP. clxxviii.

An Act for the Improvement of the Borough of Shrewsbury, in the County of Salop.

## CAP. clxxix.

An Act to correct an Oversight in the Hereford Improvement Act, 1854.

## CAP. clxxx.

An Act to incorporate a Company for making a Railway from the Bishop Auckland Branch of the North-eastern Railway, in the Township of Elvet, to the Township of Brandon and Byshottles, all in the County of Durham, to be called "The Dearness Valley Railway;" and for other Purposes.

## CAP. clxxxi.

An Act to enable the Oxford, Worcester, and Wolverhampton Railway Company to alter and improve certain of their Works, and to construct additional Works; and to authorise Arrangements with respect to the Stratford-upon-Avon Canal; and for other Purposes.

## CAP. clxxii.

An Act for enabling the Somerset Central Railway Company to construct Railways to Wells and to Burnham, and a Pier at Burnham, and to raise additional Capital; and for other Purposes.

## CAP. clxxiii.

An Act for the making and maintaining of the Severn Valley Railway; and for other Purposes.

## CAP. clxxiv.

An Act to facilitate the Erection of one or more Churches in the Parishes of Tormoham and St. Mary Church, at or near the Town of Torquay, in the County of Devon; and for other Purposes.

## CAP. clxxv.

An Act to repeal the Act of the 9 Vict. c. xxxii, to re-constitute and extend the Police District therein mentioned, under the Name of "The Airdrie Rural Police District," and to erect and maintain a Hall, Court-house, and Public Offices for the Airdrie District of Lanarkshire.

## CAP. clxxvi.

An Act to authorise the Transfer of the Undertaking of the Deptford Gas-light and Coke Company to the Surrey Consumers Gas Company, and to wind up the Affairs of the first-named Company; and for other Purposes.

## CAP. clxxvii.

An Act for enabling the East Kent Railway Company to extend their authorised Line of Railway by the Construction of a Railway from Canterbury to Dover, with two Branches at Dover; to increase their Capital; and for other Purposes.

## CAP. clxxviii.

An Act for amending the Acts relating to the London and South-western Railway Company; for regulating their Capital; and for other Purposes.

## CAP. clxxix.

An Act for the Conservancy and Improvement of Dundalk Harbour and Port; and for other Purposes.

## CAP. cxc.

An Act for making certain Railways to connect Glasgow, Dumbarton, and Helensburgh, in the Counties of Lanark and Dumbarton, and for making Provision for the Use and working of the said Railways.

## CAP. xcxi.

An Act for making a Railway from the Great Western Railway at Southall, in the County of Middlesex, to Brentford, in the same County, with Docks at the last-mentioned Place; and for other Purposes.

## CAP. xcxi.

An Act for making a Railway and Pier to and at Stokes Bay, in the County of Hants.

## CAP. xcxi.

An Act for extending the Times granted to the Westminster Improvement Commissioners by the Westminster Improvement Act, 1845, the Westminster Improvement Act, 1847, the Westminster Improvement Act, 1850, and the Westminster Improvement Act, 1853, for the compulsory Purchase of Lands and the Completion of Works; and for altering the Corporate Name of "The Westminster Association for improving the Dwellings of the Working Classes" to "The London and Westminster Association for improving the Dwellings of the Working Classes;" and for other Purposes.

## CAP. xciv.

An Act to change the Corporate Name of the Derbyshire, Staffordshire, and Worcestershire Junction Railway Company; to repeal their Act and consolidate their Powers; to alter and define their Undertaking; to reduce their Capital; and for other Purposes.

## CAP. xciv.

An Act for facilitating the Completion of the Westminster Improvements, and for the Incorporation of the Westminster Land Company for a limited Period for that Purpose.

## CAP. xcvi.

An Act for transferring Part of the Property and Powers of the Trustees of the River Lee; and for the Amendment of the Acts of the New River Company, the East London Water-works Company, and the said Trustees; and for other Purposes.

## CAP. cxvii.

An Act to repeal, alter, and amend some of the Provisions of the Royal Conical Flour Mill Company's Act, 1854; to enable the Company to raise a further Sum of Money; and for other Purposes.

## CAP. cxviii.

An Act for making a Railway from the Manor-street Terminus of the authorised Westminster Terminus Railway, in the Parish of Clapham, in the County of Surrey, to Norwood, in the Parish of St. Mary, Lambeth, in the same County, connecting the Westminster Terminus Railway with the West End of London and Crystal Palace Railway.

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